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H.M. DIPLOMATIC SERVICE

DEPT. or POST Aviation and Telecommunication

FILE No. MUA 4/359/1 ✓ **(Part**..............**)**

TITLE: Air Service Agreements UK/Iraq

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H.M. DIPLOMATIC SERVICE

DEPT. or POST AVIATION, [redacted] AND TELECOMMUNICATIONS

FILE No. MUA 4/359/1 (Part)

TITLE: AIR SERVICE AGREEMENTS UK / IRAQ

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J. Boulter	(58)	2/12						
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Mr Darwin CAD								22/6
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CYPHER/CAT A

PRIORITY BEIRUT

TELEGRAM NO. ALLOT 4

CONFIDENTIAL.

TO BOARD OF TRADE (CIVIL AVIATION DEPT.)

13 JANUARY 1970

①

TOP COPY

RECEIVED IN
REGISTRY No. 42
14 JAN 1970
MUA4/359/1

ADDRESSED TO BOARD OF TRADE TEL NO ALLOT 4 OF 13 JANUARY AND TO BAHRAIN RESIDENCY REPEATED FOR INFORMATION TO BAGHDAD AND KUWAIT.

FROM CIVIL AIR ATTACHE TO LINSTEAD CA 2.

A. I PROPOSE VISITING BAGHDAD FROM 17 TO 20 JANUARY IN PREPARATION FOR THE ANTICIPATED AIR SERVICES CONSULTATIONS. HAVE THERE BEEN ANY FURTHER DEVELOPMENTS IN BOAC THINKING ON SERVICES THROUGH BAGHDAD?

B. I PROPOSE, SUBJECT TO CONFIRMATION FROM H.M. AMBASSADOR, TO CONTINUE TO KUWAIT TO MEET THE DGCA AND BOAC MANAGER. BY THIS WEEK'S BAG YOU WILL RECEIVE A LETTER IN WHICH I SUGGEST ASKING THE KUWAITIS UNDER ARTICLE 9 OF THE AGREEMENT FOR DETAILS OF THEIR LOADS IN JANUARY ON THE BAHRAIN AND DOHA SECTORS. DO YOU AGREE THAT I SHOULD FORMALLY PRESENT THE DGCA WITH SUCH A REQUEST DURING MY VISIT?

2. TO BAHRAIN: I WILL GO FROM KUWAIT TO TEHRAN WHERE GENERAL CONSULTATIONS BEGIN ON 24 JANUARY. A LETTER SHOULD BE IN THE HANDS OF THE IRANIAN AUTHORITIES BY THIS WEEKEND REQUESTING RIGHTS FOR GULF AVIATION BETWEEN DOHA AND SHIRAZ FROM 1 APRIL AS DISCUSSED. PLEASE PASS AS MUCH OF THE INFORMATION IN THIS TELEGRAM AS YOU THINK NECESSARY TO BOAC AND GULF AVIATION.

F.C.O. PLEASE PASS PRIORITY TO BOARD OF TRADE AND ROUTINE TO BAGHDAD

MR. KING

/REPEATED AS REQUESTED/

ALLOT DISTRIBUTION
A.M.T.D.
NEAR EASTERN DEPT.

pa. AEW 14/1

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NEXT REF.	

CONFIDENTIAL

(21/5)

BRITISH EMBASSY,
BEIRUT.

②

7th February 1970

Iraq

I must apologise for the lateness of the enclosed report on my visit to Baghdad, but as you know I have been pretty well constantly on the move since then to places where the activity has been somewhat more intense.

2. You will see that I made very little headway with either of the key Iraqi officials. The airline chief was distant in the extreme, only waking up towards the end of the meeting, and the D.C.A., having turned up two and a half hours late, although friendly enough, had really nothing at all to say on any subject.

3. One explanation of these attitudes could be that they were thinking twice about the wisdom of having talks and therefore wanted to keep me at arms length. It is perhaps more likely that news was getting around of the arrest and impending execution of the latest batch of alleged plotters against the government (the storm actually broke the following day). Presumably both Abdel Haq who is one of the more obviously pro-western senior officials, and Mohammed Saidi, reportedly a prominent Ba'athist, would have a particular interest in the proceedings.

No Not only Discovered at 2.am on 21/1.

4. I must leave it to you to consult with B.O.A.C. on how much pressure we should exert to get a date fixed for a meeting. We have done our duty by the Ruler of Abu Dhabi in offering to send a delegation in March. I see no need to take any further initiative on his account. However when you have looked at Iraqi Airways' recent loads at London and considered the extent of their involvement, UAA-style, in the Indian and Pakistani markets, you may decide that it is in our interests to get ahead with re-negotiation and possibly frequency or uplift restrictions on Iraqi Airways.

5. Copies of this letter and the report to to Chancery, Baghdad, Bahrain Residency, Political Agency, Abu Dhabi and A.M. & T. Department at the Foreign & Commonwealth Office.also to CA.1 (George Bonney) at the Board of Trade.

(G. R. Sunderland)

For. ACW 1/6

S. G. Linstead, Esq.
CA.2(2),
Board of Trade,
Shell Mex House,
Strand,
LONDON, W.C.2.

B/U. 2 weeks
ACW.
Ba 23/2

LAST REF.	
NEXT REF.	

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2ET.

VISIT TO BAGHDAD, 18TH TO 20TH JANUARY, 1970.

Report by Civil Air Attaché, Middle East

I paid my first visit to Baghdad in the wake of the opening of the new international airport and in advance (or such was my intention) of U.K./Iraq consultations flowing from Iraqi Airway's interest in opening a route to Abu Dhabi.

2. I had useful discussions with several Embassy colleagues, Jeremy Parker (Manager BOAC), the two-man ICAO mission to Iraq, Mohammed Khalil and Dennis Southwell (on secondment from BOT), and with senior officials of the Iraq Petroleum Company. Rather less useful were my meetings with Brigadier General Abdel Haq al-Ajeeh, Director of Civil Aviation and Mohammed Saidi Khalil, Director General of Iraqi Airways and Said Al Karkhi, Commercial Director.

3. Iraqi Airways. The D.C.A.'s unavailability at the agreed time led me to see the Iraqi Airways officials first. Mohammed Saidi is an academic economist, recently appointed to the airline. The theme of his conversation was the balancing of his books and, as a means to this end, improved utilisation of his Trident fleet. He talked for instance of a second service to Delhi and the possibility of one to Warsaw. Abu Dhabi is planned, as we knew, as an extension of the Doha service. When I pressed Saidi on the need for a service to Abu Dhabi, he referred to a community of 300 Iraqis (mainly teachers) who were pressing for a direct link with Baghdad, and for supplies of Iraqi vegetables ("our lettuces are excellent").

4. On the wider front, Saidi appeared unmoved by my hints of re-negotiation of the bilateral. I did not myself mention frequency restrictions but he said that if we were to impose limits, Iraqi Airways would carry passengers to Paris and make arrangements with Air France to enable them to complete the journey.

5. I raised with Saidi the matter of 33⅓% rebates for government traffic which had recently been extended to employees of the Iraq Petroleum Company travelling privately (on official business they are subject to a directive to travel by Iraqi Airways whenever possible). I questioned whether these rebates had BOT approval; the Director General brought in his deputy Mr. Kamkhi (recently U.K. Manager) who claimed that the directive for government traffic had been accepted by the U.K. many years ago, but the extension to I.P.C. was the subject of a very recent directive of which he gave me a copy. I said that Iraqi Airways should in fact not use the lower rate until it had been approved, and I thought it quite possible that approval would not be forthcoming. This would in any case be an additional item for the agenda for the consultations.

/Mr. Kamkhi

CONFIDENTIAL

Mr. Kankhi advanced in support of the rebates the arguments that (i) the traffic would otherwise use the unofficially rebating carriers - SAAL, Interflug etc. and (ii) the generation of new traffic benefited the U.K. balance of payments. In answer to my question why the Iraqi government did nothing about rate-cutting, Mohammed Saidi said that they had just negotiated a pool agreement with Interflug and hoped to do the same with CSA. This, he hoped, would keep the discounts down.

6. On the general question of the balance of rights as between BOAC and Iraqi Airways and of Iraqi long-term plans, Saidi was very quiet. He accepted however that a meeting of aeronautical authorities was to take place soon, and when I mentioned March he suggested the first half because of a commitment which both he and the DCA had in Karachi later in the month.

7. Iraqi DCA. Abdel Haq did not actually demur when I suggested that years of neglect had left our bilateral agreement in a quite unmanageable state and that a meeting was required at which we could look at our relations completely afresh. He did however imply that so far as he was concerned the Abu Dhabi/Dubai exchange was the only matter of immediate interest. I disabused him of the idea that we could limit our discussions to these issues and said that it was by no means certain that Baghdad/Dubai rights would remain a U.K. requirement. I stressed our willingness to consider granting a route to Abu Dhabi but we should want to be sure that the service was going to cater primarily for the Iraq-Abu Dhabi market and not dilute other carriers' loads on routes extending to the other side of Iraq.

8. With some hesitation Abdel Haq acknowledged that the MFA had informed him of our Note proposing discussions in March. I told him that Mohammed Saidi had suggested the first half of the month, but he neither endorsed this nor gave any indication of what dates would not be possible. His excuse for not committing himself was that the Council of Ministers (I think this was the body he referred to) would have to decide on the constitution of the delegation and until this had been done it would be useless to discuss dates. He instructed his legal assistant, in my presence, to take the necessary action for bringing the matter up with the Council. Incidentally, Abdel Haq did go so far as to say that the Iraqi suggestion for holding talks "after February" reflected his pre-occupation with the new airport, opened early in January and clearly still giving him sleepless nights. In fact, he resigned the day after the opening, apparently in protest at the lack of support he had had in preparing for the opening, but later agreed to carry on.

/9. Abdel Haq

9. Abdel Haq would not be drawn into conversation on the level of Iraqi Airways traffic or on government directives on fares.

10. BOAC. The Corporation's earnings in Baghdad seem to have just about levelled out after declining over many years. Revenue from the once weekly service is not materially less than when the second (one way only) was in operation. But of course the position is not healthy and Parker's personal view is that the station should be closed down.

BOAC are worried about the extension of the rebate scheme to I.P.C. officials and families off duty but acknowledge that much of this went to other carriers anyway and with ex-patriate staff having been reduced from several hundred to about thirty, the ethnic market available to them is negligible.

After the navigation fees controversy it emerges that BOAC have now reduced their use of Iraqi airspace to a minimum. Flights between Beirut and Kuwait or Abadan skirt Iraqi airspace at the expense presumably of two or three minutes' flying time. (The normal corridor, Green 52, has now come under Iraqi control as a result of their unilateral action: Board of Trade OSO will no doubt supply further details to anybody interested in the case).

BOAC therefore only overfly Iraq on flights between Beirut and Tehran or Beirut and Delhi and I imagine that the latter could be re-routed via the Gulf with very little loss of flying time. Provided therefore that access to Syrian airspace is secure, the value of Iraqi airspace is really rather limited. Even were Syria to be closed, I would have thought the extra expense of going round Iraq as well (on Beirut-Gulf flights) was not excessive. Perhaps BOAC could evaluate all these various patterns of operation so as to identify more precisely, before we negotiate, the value of overflying rights of Iraq.

11. London-India/Pakistan

It was disappointing that BOAC could give us no indication of the extent of Iraqi Airways' Sixth freedom traffic, but the ICAO mission and other disinterested parties alerted me to the marked upsurge in through traffic during the last few months. A traveller arrived from London on the same day as myself and said that the Trident was 95% full of Pakistanis or Indians and another observer reported the use of the aircraft in an all-tourist configuration with a similar load. I understand that the passengers usually fly on two tickets, the second being issued to them in Baghdad - whether against a voucher or not I do not know. Until six months ago,

/the Iraqi

the Iraqi London service was remarkable for its low load factor but it is clear that it now operates on similar lines to its neighbours in Syria, Kuwait and the U.A.R.

12. What we must establish is where these passengers are coming from. Are they newly generated or are other carriers losing business? If the latter, are they the national carriers, BOAC, Air India and PIA, or does this upsurge merely reflect a transfer of business between the miscreants?

13. General

Comment on the technical standards of Iraqi Airways was almost without exception favourable. They operate punctually and achieve fast turn-rounds. Their safety record is good and the I.P.C. for whom they operate Dove services (I have written separately to Mintech about their future) are more than satisfied with their competence.

General management is apparently not a great strength of the Iraqis and perhaps the airline does better than most organisations in this respect. I judge that commercially the company is pulling itself together and will need watching carefully. There are rumours of a B707 purchase, but I could not substantiate them.

Signs of weakness in the civil aviation field are more evident at the airport. I am not reporting on these problems since Mr. Goodison was in Baghdad specifically for the airport opening (with the British consultants) and questions of aid for the upkeep of the airport are being dealt with as between the Embassy and O.D.M.

14. Summary of recommendations

Action		
CA2	(i)	To consult with BOAC on the desirability of pressing for a date for talks if the Iraqis remain silent; and advise Embassy, Baghdad;
CA2	(ii)	To investigate with BOAC Iraqi Airways' Sixth freedom performance;
CA1	(iii)	To consider the question of government rebates and in particular the extension to I.P.C. employees;
CA2	(iv)	To evaluate with BOAC overflying rights of Iraq;
PA Abu Dhabi	(v)	To note our efforts to engage the Iraqis in substantive discussions about an Abu Dhabi service and advise the Ruler as necessary.

BRITISH EMBASSY,
BEIRUT.
February, 1970.

Euven R 89/3 ③
Mr Spencer WGD to
see then FA 2/3 [illegible]

BOARD OF TRADE

MEMORANDUM

From S. G. Linstead

Our Ref.

TEL: *EXT:* 261

To NHRA Broomfield
AMT — F/CO

Your Ref.

RECEIVED IN
REGISTRY No. 42
- 2 MAR 1970
MUA4/359/1

DATE 2/3/70

We spoke.

2. I attach copies of telegrams which we exchanged with the Iraqi aeronautical authorities over the week-end

3. Although it is not absolutely clear, it would appear that the Iraqis are proposing to fly on a route BGW/IST/PRG/SXF/LHR/CPH today.

4. With the exception of CPH, IA already have a temporary permit covering this route.

LAST REF.	/
NEXT REF.	

FLWM4/359/1

M O D Form 31

365

MOD SIGNAL MESSAGE FORM

(For use only in the Ministry of Defence)

Instructions on completing this form are in Office Instructions—MOD Manual 2

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	INFO EGGAYA	DIG / SERIAL No.

D 801

YOUR 011310 EXCEPTIONALLY PERMISSION GIVEN FOR FLIGHT ON THIS ROUTE STOP NO TRAFFIC RIGHTS TO BE EXERCISED BETWEEN SCHONEFELD/LONDON OR COPENHAGEN/LONDON STOP ONLY STOPOVER RIGHTS TO BE EXERCISED BETWEEN PRAGUE AND LONDON

2 MAR 1970

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B & S Ltd 51-1576

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BOTHC LONDONEGGG CROYDON .

DD EGGAYA EDDZYA
011151 ORBBYA
ATC/1137
TOP URGENT
TR172 REQUEST PERMISSIION IRAQI AIRWAYS FLT IA043/02 MAR
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FOLLOWS BG/ISTT/PRG/LON ETD PRG 1200 LON ARR 1345Z
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REGARDS.

BOARD OF TRADE CIVIL AVIATION
A.M.
-2 MAR 1970
P.M.
EB REGISTRY

NNNN EGGG CROYDON
DD EGGAYA EDDZYYA
011310 ORBBZR
ATC/1140
ROT TR 172 IRAQI AIRWAYS REGGULAR SCHEDULE IA043//02 MAR OPERATING
BEE E E OPERATING BGW/IST/PRG/SXF/CPH MAKING ADDITIONAL CALL LON
STP DEP SXF 1330 LON ARR 15330 DEP 1615 FOR CPH STOP ALL TIMES
GMT PLS CONFIRM REGARDS

Baghdad Istanbul Prague Schönefeld Copenhagen

4

TOP COPY

RESTRICTED

CYPHER/CAT A & BY BAG
PRIORITY FOREIGN AND COMMONWEALTH OFFICE TO BONN
TELEGRAM NO 136 2 MARCH 1970

(MUA 4/359/1)

RESTRICTED

SPACE

ADDSD TO BONN TEL NO 136 OF 2 MARCH REPTD FOR INFMN TO BERLIN AND SAVING TO BAGHDAD

(50)

MY TEL NO 686 OF 20 OCTOBER 1969 IRAQI AIRWAYS FLIGHTS VIA SCHONEFELD FOR YOUR INFORMATION IRAQI AIRWAYS ASKED ON 28 FEBRUARY FOR PERMISSION FOR THEIR FLIGHT IAO 043 ON 2 MARCH TO FLY THE FOLLOWING ROUTE: ''BAGHDAD - ISTANBUL - PRAGUE - SCHONEFELD - COPENHAGEN- WITH AN ADDITIONAL CALL AT LONDON''

2. THIS REQUEST WAS MADE ''FOR OPERATIONAL REASONS''. TIMINGS: DEPART SCHONEFELD 1330 ARRIVE LONDON 1530 HRS - DEPART LONDON 1615 HOURS FOR COPENHAGEN. WE HAVE GIVEN PERMISSION FOR THIS FLIGHT WITH THE PROVISO THAT NO PASSENGERS ARE CARRIED BETWEEN SCHONEFELD AND LONDON OR BETWEEN COPENHAGEN AND LONDON.

STEWART

CIVIL AVIATION DISTRIBUTION
AV. & TELE. D.
W. EUR. D.
N. EAST. D.

COPY TO:
MR. S.G. LINSTEAD, CA 2, B.O.T.
SHELL MEX HOUSE.

PA 5/3

RESTRICTED

LAST REC.
NEXT REC.
(50) MUA 4/359/1 (1968/9)

CONFIDENTIAL

5

(21/5)

BRITISH EMBASSY,
BEIRUT.

3rd March 1970

Iraqi Government Directive to Iraqi Airways

IEI

I drew attention in the report in my recent visit to Baghdad, to the Iraqi government directive to Iraqi Airways to carry I.P.C. employees at one-third rebates. George Bonney now informs me that the department has not been formally approached on the subject (i.e. presumably the directive has not yet been registered with I.A.T.A.); the carriage of this traffic between Baghdad and London remains therefore subject to the fares and conditions agreed by I.A.T.A., within the framework of the U.K./Iraq bilateral air services agreement.

2. It would be extremely surprising if Iraqi Airways were waiting for the completion of bureaucratic processes to sell tickets at these reduced rates; indeed I got the distinct impression when in Baghdad that the scheme was already under way. George Bonney has however made it clear that we would by no means endorse this directive on the ~~on the~~ nod. It represents one further step in the erosion of the I.A.T.A. fare structure and must have at least some adverse impact on B.O.A.C's revenues. It seems to me that we should not wait for inter-governmental air services talks to raise this matter with the Iraqis; such talks may be months away if they remain apathetic about Abu Dhabi.

3. If Iraqi Airways are in breach of the bilateral agreement then we should tell them so and ask them to stop. In doing this we would recognise privately that we may ultimately accept the directive, but possibly use acceptance to get a better bargain on air services generally than we might otherwise manage.

4. I am copying this to George Bonney, Sandy Wilson and to the Embassy in Baghdad.

5. In considering the wording of any request, you will I am sure, bear in mind the various arguments in support of the directive which I reported the Iraqis as using in conversation with me.

1/6

(G. R. Sunderland)

S. G. Linstead, Esq.
CA.2(2),
Board of Trade,
Shell Mex House,
LONDON, W.C.2.

LAST REF.	IEI
NEXT REF.	15

Copies: G. E. Bonney, Esq. CA.1, B.O.T.
A. R. Wilson, Esq. Aviation & Tels. Department, F.C.O.
A. Arnold, Esq. British Embassy, Baghdad.

⑥

BOARD OF TRADE
CA2/2b
Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119 Telegrams: Civilair, London, Telex
Telephone: Temple Bar 1207, ext. 261

Your reference:
Our reference: EB 91/01

RECEIVED IN
REGISTRY No. 42
16 MAR 1970
MWA4/359/1

N H R A Broomfield Esq
AMT Department
Foreign & Commonwealth Office
Great George Street
LONDON SW1

10 March 1970

Dear Nigel

SCHONEFELD

We have received by telex the advance summer schedules of Iraq Airways, effective 1 April 1970. Among the services which the airline intend to run to this country is a once weekly service on the following route:

Baghdad - Istanbul - Prague - Schonefeld - London

Iraq Airways have a temporary operating permit for a once weekly service on this route. The permit was issued on 1 May 1968 and is of indefinite duration.

As you know, the Anglo-Iraqi traffic rights position is complicated. The latest assessment of the position is contained in a revised draft minute enclosed with my letter to you of 5 February 1969. Brightling's letter of 21 May 1963 to Ramage is also relevant.

I think that to prevent Iraq Airways exercising their traffic rights through Schonefeld at this juncture would throw open the whole question of Anglo-Iraqi civil air relations in a manner which enflamed Arab passions and endangered BOAC's services not merely in Iraq. While BOAC are making very little out of their services to Baghdad, the right to overfly Iraqi territory, which in practice is probably given a much greater protection by IA's London services than by IASTA, is valuable and is naturally something we should wish to preserve.

We have provisionally agreed with the Iraqis to hold talks "after February". No date has been fixed for the discussions but we have made it clear that when they do materialise we shall wish to discuss the route schedule generally and not just IA's demands for rights to Abu Dhabi. There may thus be an opportunity to re-negotiate the route schedule to the Anglo-Iraqi Agreement in which case we could attempt to replace "Points in Germany" with specified points in the Federal Republic. The success of such attempts could not of course be guaranteed.

Given the general commercial unattractiveness of Schonefeld and the fact that Iraq Airways would have to fly from E. Germany to London on a cumbersome route which by-passed the Allied air-corridors, the airline may well in the upshot decide that the point is not worth including in their services to the U.K.

I hope that in the circumstances therefore you will not object to our approving Iraq Airways schedules.

I am copying this letter to Sandy Wilson.

Yours ever
John for
S G LINSTEAD

pa. [illegible] 1/6.

LAST REF.	/
NEXT REF.	⑦ ⑩ ⑱

Confidential.

Reference MUA 4/359/1 ⑦

Miss Spencer (W.E.D.)

[Mr. Hinchcliffe (N.E.D.)]

See Mr. Hinchcliffe's minute of 13 March below. Discussed with Mr. Broomfield and Mr. Wilson. Tel. out to Bonn.
Bm, 4/iii

UK/Iraq Air Services Agreement

In his letter of 10 March ⑥ Mr. Linstead raises the question of Iraq Airways exercising their rights on the route Baghdad/Istanbul/Prague/Schoenefeld/London. The background to this problem
A is summarised in my minute of 20 January, 1969 and
B Mr. Linstead's draft minute of 5 February, 1969.

C 2. Since then we have had several non-scheduled flights through Schoenefeld which have prompted Mr. Bayne's letter of 6 October, 1969. I also understand that Herr Brandt mentioned the aeroflot/Lufthansa negotiations during his recent visit to London.

3. From the aviation point of view theBoard of Trade advance familiar arguments. They re-state the reasons which persuaded us originally to agree to a temporary operating permit for the route through Schoenefeld. These reasons can be summarised as the commercial danger to BOAC from a unilateral act by the Iraqis in preventing BOAC overflying Iraq on its routes to the Far East, and also danger to BOAC from other Arab Governments who might wish to take similar action in support of Iraq if they considered that Iraq had received unjust treatment from the UK. The Board of Trade acknowledge the fact that under the International Air Services Transit Agreement we have rights to overfly Iraq which do not depend on the rights granted to our airlines under the UK/Iraq bilateral Air Services Agreement. In the Board of Trade's opinion, however, the Iraqi authorities would be quite capable of denying BOAC the overflying rights to which they are entitled under IASTA if we were to deny Iraqi Airways the rights to which they think they are entitled on the route through Schoenefeld to London. Our aviation relations with the Iraqis are not good at the present, as we have recently refused them rights into Abu Dhabi. It is possible therefore that they would take the action that the Board of Trade contemplate with regard to BOAC's air flying rights. It would appear therefore that we are in the unenviable position of offending either the Germans or the Iraqis.

4. If you consider that this is a matter which should be taken to Ministers in an attempt to stop this service I would be grateful if you would inform me immediately. Mr. Crosthwait has agreed to take a meeting which NED, EID and Legal Advisers might attend, at which we might consider a draft [redacted] recommendation by WED arguing the case on political grounds.

5. I am copying this minute together with copies of Mr. Linstead's and my earlier minutes of 1969 to Mr. Hinchcliffe (NED) and would be grateful similarly for his views as soon as possible.

LAST REF.	⑥
NEXT REF.	

pa. Arw 1/6.

N.H.R.A. Broomfield
(N.H.R.A. Broomfield)
A. & T.D.
11 March

CONFIDENTIAL

Reference MUA4/359/1

⑧

Miss Glenner WED

Mr Broomfield A&T.D

UK/IRAQ AIR SERVICES AGREEMENT

1 If a political case is to be put up for stopping these flights NED would not stand in the way of WED -

2 However I wonder if the possibility of some compromise has been fully explored. Could we not include the question of the Schonefeld route in general negotiations with the Iraqis & in the meanwhile let the Iraqis continue to operate the route on a temporary operating permit on the same basis as present. This might be more palatable to the Germans and would avoid giving a direct "NO" to the Iraqis until at least the negotiations were concluded.

3. I very much doubt if all Arab ~~airlines~~ Governments would follow the example of Iraqi Airways if BOAC were denied overflying rights by the Iraq Government. But it is a risk. .

LAST REF.	/
NEXT REF.	

J.A. Dew 1/6.

4. If no compromise is possible he will go along with the WED view and will willingly attend any meeting.

MED
17/3

(9)

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CYPHER/CAT A AND BY BAG

IMMEDIATE FOREIGN AND COMMONWEALTH OFFICE TO BONN

TEL NUMBER 171 DATE 14 MARCH

(W.E.D.)

CONFIDENTIAL.

ADDRESSED TO BONN TELEGRAM NO 171 OF 14 MARCH REPEATED FOR INFORMATION TO BERLIN AND SAVING TO BAGHDAD MOSCOW PARIS WASHINGTON AND UKDEL NATO.

WRE 21/2 (44)

BAYNE'S LETTER (21/2/3) TO GLADSTONE OF 6 OCTOBER, 1969 AND MY TELEGRAM NO 23 OF 14 JANUARY, 1969 (NOT TO ALL): IRAQ AIRWAYS FLIGHTS VIA SCHONEFELD.

IRAQ AIRWAYS HAVE NOTIFIED THE BOARD OF TRADE OF THEIR ADVANCE SUMMER SCHEDULES WHICH ARE DUE TO COME INTO EFFECT ON 1 APRIL. THESE INCLUDE A ONCE WEEKLY SERVICE ON THE ROUTE BAGHDAD-ISTANBUL-PRAGUE-SCHONEFELD-LONDON, IN RESPECT OF WHICH IRAQ AIRWAYS HAVE A TEMPORARY OPERATING PERMIT ISSUED ON 1 MAY, 1968 AND OF INDEFINITE DURATION. THE BOARD OF TRADE HAVE EXPRESSED TO US THE HOPE THAT WE WILL NOT OBJECT TO THEIR APPROVING THESE SCHEDULES.

2. AS YOU WILL KNOW FROM PREVIOUS CORRESPONDENCE, IN PARTICULAR MY TELEGRAM UNDER REFERENCE, IT WOULD BE A MATTER OF GREAT DIFFICULTY FOR US TO PREVENT IRAQ AIRWAYS EXERCISING THESE PARTICULAR RIGHTS.

3. IN HIS LETTER UNDER REFERENCE BAYNE MADE THE POINT THAT IT WOULD BE MUCH EASIER TO JUSTIFY THE USE OF SCHONEFELD BY IRAQ AIRWAYS FLYING TO LONDON ONCE THE AEROFLOT-LUFTHANSA NEGOTIATIONS WERE GOING AHEAD AND THE USE OF SCHONEFELD BY AEROFLOT EN ROUTE TO THE FEDERAL REPUBLIC HAD BEEN ADMITTED AS A POSSIBILITY. SUBJECT TO YOUR VIEWS, WE ARE INCLINED TO THINK THAT THIS POINT HAS NOW BEEN LARGELY MET.

4. WE TRUST THAT THIS TELEGRAM WILL ADEQUATELY MEET THE OTHER MAIN POINT TO WHICH BAYNE REFERRED, NAMELY YOUR NEED TO BE NOTIFIED IN GOOD TIME IN ORDER TO BE ABLE TO PREPARE THE GROUND IF NECESSARY WITH THE GERMANS.

5. UNLESS YOU SEE OBJECTION, PLEASE THEREFORE INFORM THEM OF WHAT IS IMPENDING, AND REPORT THEIR REACTION. IT MAY OF COURSE

/BE

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Jh. ARW 1/6.

NEXT REF. (12)

BE THAT THEY WILL CONTINUE EFFECTIVELY TO INHIBIT THE IRAQIS FROM EXERCISING THEIR RIGHTS AT SCHONEFELD (PARA. 1 OF MY TELEGRAM UNDER REFERENCE). IF SO, SO MUCH THE BETTER. MOREOVER, GIVEN THE GENERAL COMMERCIAL UNATTRACTIVENESS OF SCHONEFELD, AND THE FACT THAT IRAQ AIRWAYS WOULD PRESUMABLY HAVE TO FLY THENCE TO LONDON ON A ROUNDABOUT ROUTE (PERHAPS VIA COPENHAGEN), THE AIRLINE MAY WELL IN THE UPSHOT DECIDE THAT SCHONEFELD IS NOT WORTH INCLUDING IN THEIR SERVICE IN ANY EVENT.

6. STRICTLY FOR YOUR OWN INFORMATION, YOU SHOULD KNOW THAT IRAQ AIRWAYS HAVE BEEN SEEKING RIGHTS IN ABU DHABI AND IT HAS BEEN PROVISIONALLY AGREED THAT TALKS SHOULD TAKE PLACE AT A DATE YET TO BE DETERMINED. IN THIS CONTEXT THE IRAQIS HAVE BEEN TOLD THAT WHEN THE DISCUSSIONS DO TAKE PLACE WE SHALL WISH TO DISCUSS THE ROUTE SCHEDULE GENERALLY AND NOT JUST IRAQ AIRWAYS' DEMANDS FOR RIGHTS TO ABU DHABI. THERE MAY THUS BE AN OPPORTUNITY TO RENEGOTIATE AT SOME FUTURE DATE THE ROUTE SCHEDULE TO THE ANGLO-IRAQI AIR SERVICES AGREEMENT, IN WHICH CASE AN ATTEMPT COULD BE MADE TO REPLACE THE REFERENCES IN THAT AGREEMENT TO ''A POINT IN GERMANY'' WITH REFERENCES TO SPECIFIED POINTS IN THE FEDERAL REPUBLIC. THE SUCCESS OF SUCH AN ATTEMPT COULD NOT OF COURSE BE GUARANTEED, AND THE CHANCES OF IN SOME WAY DEFERRING THE SCHONEFELD QUESTION UNTIL THESE GENERAL TALKS START (WHICH COULD HARDLY BE BEFORE 1 APRIL IN ANY CASE) ARE NEGLIBLE. DEPENDING ON THE NATURE OF THE GERMAN REACTION TO THE APPROACH PROPOSED IN PARAGRAPH 5 ABOVE, AND SUBJECT TO FURTHER INTERDEPARTMENTAL CONSIDERATION AT THIS END, WE WOULD NOT HOWEVER ENTIRELY RULE OUT THE POSSIBILITY OF FINDING SOME MEANS OF SECURING, FOR EXAMPLE, A BRIEF DELAY IN THE INTRODUCTION OF THE SERVICE. BUT YOU SHOULD NOT, REPEAT NOT, OF COURSE SAY ANYTHING TO THE GERMANS AT THIS STAGE WHICH MIGHT LEAD THEM TO SUPPOSE THE EXISTENCE OF ANY SUCH POSSIBILITY (OR THAT GENERAL TALKS WITH THE IRAQIS ABOUT AIR SERVICES MIGHT BE CONTEMPLATED).

STEWART.

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W.O.D.
N.E.D.
S.E.D.
RESEARCH DEPT (W.E.SECTION)
RESEARCH DEPT (SOVIET SECTION)

Reference MUA 1/359/1

(10)

Note for the File

On 19 March I spoke to Mr. Linstead (BOT) [~~with reference to~~] about (6) his letter of 10 March about Iraqi Airways summer schedules. I emphasised that the Board of Trade should not approve the schedules without confirmation from the FCO, and Mr. Linstead assured me that they would not do this.

2. I also asked how much longer we could delay notifying the Iraqis of our decision. Mr. Linstead was surprised that they had not already sent us a reminder but said that in any case it would not be possible to delay much longer than 23 March or at the very latest 24 March.

N Broomfield

(N.H.R.A. Broomfield)
19 March, 1970

LAST REF. (6)

Reference MUA 4/359/1 ⑪

R 8/23/3 Mr Winchester 23/iii

WED to see then back KAM T.D.

Note for the file

Iraq : Rights at Schönefeld

Having spoken to Mr Winchester, I rang Mr Bayne in Bonn to find out what reactions ~~they~~ he had from the Germans to the approach we had asked him to make in our telno 171 Ⓐ to Bonn on the subject of the proposed scheduled flights by Iraqi Airways to London via Schönefeld. He had not seen the telegram but promised to pursue the matter. I told him that ~~[illegible]~~ the B.O.T. had named 23 March as the deadline for approving or dis-approving the Iraqi application. He said he would bear this in mind.

AR Wilson.
20/3.

fa. AAW 1/6.

LAST REF. ⑨

NEXT REF.

CYPHER CAT/A CONFIDENTIAL TOP COPY ⑫

IMMEDIATE BONN TO FOREIGN AND COMMONWEALTH OFFICE
[illegible]EGRAM NUMBER 320 20 MARCH 1970
CONFIDENTIAL

Pa. 23/3

RECEIVED IN
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23 MAR 1970
MUA4/359/1

ADDRESSED TO FCO TELEGRAM NUMBER 320 OF 20 MARCH RFI TO BERLIN AND SAVING TO BAGHDAD PARIS WASHINGTON AND MOSCOW.

⑨

YOUR TELEGRAM NUMBER 171 TO BONN: IRAQ AIRWAYS.

WE SPOKE TO THE AUSWAERTIGES AMT ABOUT THIS THIS MORNING.

2. INITIAL GERMAN ATTITUDE WAS RESERVED, AND THE OFFICIALS WE SPOKE TO THOUGHT THATQUADRIPARTITE CONSULTATION WOULD BE NECESSARY. WE POINTED OUT THAT PREVIOUS CASES WHERE IRAQ AIRWAYS HAD LANDED AT SCHOENEFELD HAD BEEN DEALT WITH ON A BILATERAL BASIS QUITE SATISFACTORILY, AND WONDERED WHETHER WIDER CONSULTATION WAS NECESSARY. VAN WELL AND SCHIRNDING REPLIED THAT THE PROSPECT OF A REGULAR SERVICE WAS OF A DIFFERENT ORDER.WHEN WE TOUCHED ON THE PROSPECT OF SCHOENEFELD BEING INTRODUCED INTO THE AEROFLOT/ LUFTHANSA AGREEMENT, SCHIRNDING REJOINED THAT THIS WOULD BE DONE ONLY AFTER CONSULTATION AND WITH CAREFUL REGARD FOR ALLIED RIGHTS.

3. WE ASKED WHETHER THE GERMANS HAD ANY LEVERAGE THEY WOULD BE PREPARED TO EXERT TO DISSUADE THE IRAQIS FROM IMPLEMENTING THIS SERVICE. SCHIRNDING RECALLED THE LAST TIME THIS WAS TRIED, WHEN IRAQ AIRWAYS WERE REFUSED ENTRY TO FEDERAL AIRSPACE AND IN RETURN THE IRAQ GOVERNMENT REFUSED OVERFLYING RIGHTS TO LUFTHANSA, (GLADSTONE'S LETTER 21/2/3 TO WHITE, AMTD DEPT., OF 8 NOVEMBER 1968), AND INDICATED THAT THEY WOULD NOT WANT TO LET THEMSELVES IN FOR THIS AGAIN.

4. THERE IS A SPECIAL QUADRIPARTITE MEETING ON ANOTHER SUBJECT, TOMORROW, 21 MARCH, WHEN THE MATTER WILL NO DOUBT BE FURTHER DISCUSSED.

FCO PASS SAVING TO BAGHDAD PARIS WASHINGTON AND MOSCOW.

MR. RICHARDS

/REPEATED AS REQUESTED/

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E.E.S.D.
W.O.D.
N. EASTERN D.
S. EUR. D.

1/6

LAST REF.	⑨
NEXT REF.	⑯

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RECEIVED IN
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24 MAR 1970
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IMMEDIATE WASHINGTON TO FOREIGN AND COMMONWEALTH OFFICE
TELEGRAM NUMBER 884 23 MARCH 1970
CONFIDENTIAL

TOP COPY

ADDRESSED TO FOREIGN AND COMMONWEALTH OFFICE TELEGRAM NUMBER 884 DATED 23 MARCH REPEATED FOR INFORMATION TO BONN BERLIN AND BAGHDAD
ON DESKS: FIRST THING ON 24 MARCH

IRAQ AIRWAYS FLIGHTS TO SCHONEFELD

SUTTERLIN TELEPHONED TO COUNSELLOR THIS EVENING TO SAY THAT HE UNDERSTOOD WE WERE DUE TO INFORM THE IRAQ GOVERNMENT ON 24 MARCH THAT WE AGREED TO THEIR USING SCHONEFELD IN THE EXERCISE OF THEIR RIGHTS UNDER THE ANGLO-IRAQ AIR AGREEMENT. HE BELIEVED THERE WAS TO HAVE BEEN QUADRIPARTITE CONSULTATION IN BONN IN ADVANCE OF OUR ACTION BUT THAT, BECAUSE OF THE PREOCCUPATION OF THE BONN GROUP WITH THE PREPARATIONS FOR THE BERLIN TALKS, THERE HAD BEEN NO TIME FOR THIS. THE STATE DEPARTMENT FELT THIS WAS AN UNFORTUNATE MOMENT TO HAVE TO MAKE THIS NOTIFICATION AND WONDERED WHETHER THERE WAS ANY POSSIBILITY OF POSTPONING IT.

2. ROSE SAID HE WAS NOT FAMILIAR WITH THE DETAILS OF THIS PROBLEM. IF HOWEVER ACTION WAS DUE TO BE TAKEN TOMORROW, HE THOUGHT IT LIKELY THAT IT WOULD BE TOO LATE TO STOP IT AND THAT HE HAD DECIDED THAT WE HAD NO ALTERNATIVE BUT TO ACCEPT THE AWKWARDNESS OF THE TIMING. HE UNDERTOOK HOWEVER TO REPORT THIS APPROACH TO YOU IN CASE ANYTHING COULD STILL BE DONE.

FCO PASS TO BONN, BERLIN AND BAGHDAD

MR FREEMAN

[REPEATED AS REQUESTED]

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LAST REF.	/
NEXT REF.	⑱

Reference MUA 4/359/1

⑭

⑫

Note for the file — **Iraqi rights at Schönefeld**

1. I rang Mr Minceff in Bonn about Bonn Telno 320, in particular to see whether the question of Iraq's request for a scheduled service to London via Schönefeld had come up at the quadripartite meeting referred to in paragraph 4 of his ~~tel. under refce~~ telno 320. He said that this question had not come up.

2. I said that I thought that, unless we had any more positive objections from the Germans, we should have some difficulty in putting it to Ministers that we should ask the B.O.T. to withhold approval for the schedules. Mr. Minceff agreed to approach the Germans again, but said that, if they insisted that this were a matter for quadripartite agreement, we should have to go along with them, particularly in view of the Lufthansa/Aeroflot negotiations which have some aspects which are being considered quadripartitely. He thought that this could be arranged within 24 hours. He agreed to get back to the Germans, and let me know their reactions as soon as possible. I reiterated to him the need for urgency in view of the B.O.T. need to let the Iraqis know one way or the other, at the very latest, by tomorrow.

A R Wilson.

23/3.

LAST REF.	⑫
NEXT REF.	

Mr Minceff rang ~~up~~ back to ask whether the Iraqis would ~~be able to pick up passengers~~ ~~to be~~ have traffic rights from Schönefeld to London, and also asked what route they would be flying (i.e. via Copenhagen?). He said that he was now going to try to get informal agreement

PA. ARW 1/6

from the Americans and the French that there was no need for quadripartite agreement. He would ring again at 14.30 to find out the precise situation with regard to traffic rights.

2. I have since spoken to Mr Humphreys (B.O.T.) who has checked the permit issued to Iraq Airways and says that ~~there~~ they would not be able to bring the Iraqi's on the Schönefeld - London sector. He said he could add nothing to Mr Linstead's comment that they would have to fly this sector by a "cumbersome route which by-passed the Allied corridors."

A.K.Watson

A.K.Watson
23/3.

I passed the information in paragraph 2 to Mr Mineff who rang at 1430hrs 23 March. N.M.Broomfield 23/3

(15)

21/5
ED 91/886

23 March 1970

G R Sunderland Esq
Civil Air Attache
British Embassy
BEIRUT
Lebanon

(5).

Please refer to your letter of 3 March about the Iraqi directive to Iraq Airways to carry IPC employees at special fares.

I have some suspicion that any attempt to raise this issue separately would be likely to precipitate full scale negotiations which we do not really want just yet. Both CAL and BOAC are content that the question of formal approval of a number of Iraqi directives be used as a bargaining point when bilateral discussions eventually take place.

The fact that the IPC directive has now been filed with, and circulated by, IATA in the normal way need not inhibit our decision. It is quite easy to "miss" this sequence of events. In fact there are probably a number of sub-standard fares of some sort or other applied to journeys to and from the UK which we know nothing about, or purport to know nothing about.

I am copying this letter to George Bonney, Sandy Wilson and the Embassy in Baghdad.

S. G. LINSTEAD

pa. by ARW 25/3

LAST REF	(5).
NEXT REF	

✓ (16)

TOP COPY

RECEIVED IN
REGISTRY No. 13
25 MAR 1970

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CYPHER/ CAT A
IMMEDIATE BONN
TELEGRAM NUMBER 334
CONFIDENTIAL.

TO FOREIGN AND COMMONWEALTH OFFICE
24 MARCH 1970.

ADDRESSED TO FCO TELNO. 334 OF 24 MARCH AND TO WASHINGTON REPEATED FOR INFORMATION TO PARIS BERLIN BAGHDAD AND SAVING MOSCOW AND UKDEL NATO.

(3)

MY TELNO. 320 TO FCO : IRAQ AIRWAYS.

THERE WAS NO TIME TO DISCUSS THIS AT THE QUADRIPARTITE MEETING ON 21 MARCH, AND ON 23 MARCH THE AUSWAERTIGES AMT TOLD US, IN ANSWER TO A QUESTION, THAT THEY STILL WISHED TO HAVE QUADRIPARTITE CONSULTATION. IN VIEW OF THE PRESSURE OF OTHER BUSINESS WE DECIDED THAT SINCE A QUADRIPARTITE MEETING WAS UNLIKELY TO CHANGE THE SITUATION IT WOULD DO AS WELL TO INFORM THE FRENCH, AMERICANS AND GERMANS THAT WE SAW NO ALTERNATIVE BUT TO ACCEPT THE IRAQI NOTIFICATION.

2. THE FRENCH TOOK NOTE WITHOUT COMMENT, EXCEPT FOR AN EXPRESSION OF UNDERSTANDING OF OUR POSITION, BUT THOUGHT THEIR EMBASSY IN LONDON MIGHT BE INSTRUCTED TO TAKE THE MATTER UP WITH US.

3. THE AMERICANS WERE MORE AUSTERE AND DEAN UPBRAIDED US FOR RAISING A MATTER WITH SUCH DANGEROUS IMPLICATIONS AT SUCH AN INOPPORTUNE MOMENT. HE SAID HE FAILED TO SEE WHAY A LOOSELY WORDED OPERATING LICENSE HAD BEEN GRANTED IN THE FIRST PLACE. WE REMINDED HIM THAT THE AMERICANS HAD SIMILAR AGREEMENTS WHICH FORTUNATELY WERE NOT BEING INVOKED AT THE PRESENT TIME. HE AND BOENER SUGGESTED THAT PERMISSION MIGHT BE REFUSED FOR IRAQI AIRCRAFT ENTERING THE BERLIN AIR SAFETY ZONE. WE POINTED OUT THAT THIS WAS TANTAMOUNT TO REVOKING THE AGREEMENT AND WOULD PLACE NOT ONLY OURSELVES BUT OUR ALLIES IN AN INVIDIOUS POSITION AND COULD CAUSE DISSENSION IN BASC. IN ANY CASE, WHATEVER SOLUTIONS MIGHT BE PROPOSED LATER TO PREVENT THESE FLIGHTS FROM TAKING PLACE, THE FACT REMAINED THAT WE HAD NO LEGAL REASON FOR REFUSING TO ACCEPT THE IRAQI NOTIFICATION.

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LAST REF.	(12) /4.
NEXT REF.	(42)

pa. ACW 13/4

The queries in paras. 6 and 7 of this tel. have been covered in draft speaking notes for use by H.M. Embassy Bonn in the Bonn Group which have been cleared with me by Mr. Watson of A.T. Dept. 31/iii

4. THE AUSWAERTIGES AMT REACTED PREDICTABLY, FEARING THE EFFECTS ON THE STATUS OF THE BERLIN AIRPORTS AND ON THE AEROFLOT/LUFTHANSA NEGOTIATIONS. WE REPEATED OUR ARGUMENT ABOUT SCHOENEFELD HAVING NOW BEEN ADMITTED AS A POSSIBLE LANDING PLACE FOR AEROFLOT, TO WHICH THEY COUNTERED THAT THIS WOULD BE A TECHNICAL LANDING ONLY, NOT INVOLVING THE FIFTH FREEDOM. THE FEDERAL GOVERNMENT, BY ACCEPTING ALLIED CONSTRAINT IN THESE NEGOTIATIONS, HAD CONSIDERABLY NARROWED THEIR BARGAINING POSITION AND IT WAS UNFORTUNATE THAT ONE OF THE ALLIES SHOULD TAKE A STEP WHICH MIGHT STILL FURTHER COMPLICATE THEIR POSITION. SCHIRNDING SAID THAT HIS AUTHORITIES WERE LESS CONCERNED ABOUT ENHANCING THE STATUS OF THE DDR THAN THEY WERE ABOUT INCREASING THE IMPORTANCE OF SCHOENEFELD AS AN INTERNATIONAL AIRPORT. SCHIRNDING RECALLED AGAIN THAT THE FEDERAL GOVERNMENT HAD REFUSED OVERFLIGHT RIGHTS ON A PREVIOUS OCCASION TO IRAQ AIRWAYS, ALTHOUGH BOTH WERE MEMBERS OF ICAO. HE REFUSED TO COMMENT WHEN ASKED IF THEY WOULD DO SO AGAIN.

5. WE SAID THAT WE ACCPETED THESE STRICTURES, BUT LEGALLY WERE IN NO POSITION TO REJECT THE IRAQI NOTIFICATION. THIS DID NOT IMPLY ANY CHANGE IN OUR GENERAL POSITION ON SUCH QUESTIONS, AS WE THOUGHT HAD BEEN ADEQUATELY PROVED, BUT WE DID NOT SHARE THE GENERAL FEAR THAT THIS PARTICULAR CONCESSION, UNFORTUNATE THOUGH IT MIGHT BE, WOULD CAUSE ANY MATERIAL CHANGE IN THE SITUATION. SCHIRNDING SAID THAT HE ACCEPTED THE DIFFICULTY OF OUR POSITION AND TOOK NOTE OF OUR STATEMENT. HE ASKED US NEVERTHELESS TO TAKE ANY STEPS WHICH MIGHT REMAIN OPEN TO PREVENT THIS SERVICE FROM BEING IMPLEMENTED. WE ASSURED HIM THAT WE WOULD REMAIN ALERT FOR SUCH POSSIBILITIES.

6. SCHIRNDING SAID THAT HE BELIEVED THAT THERE WAS AN IRAQI AIRWAYS SERVICE FROM FRANKFURT/MAIN TO LONDON. HE SUGGESTED THAT IF THE OPERATING AGREEMENT REFERRED TO A ''POINT IN GERMANY'' IT COULD BE CLAIMED THAT THIS WAS THE ''POINT'' AND THE POSSIBILITIES OF THE AGREEMENT THEREFORE EXHAUSTED. WE HAD NOTHING TO OFFER ON THIS AND SCHIRNDING HIMSELF WAS NOT CERTAIN OF HIS FACTS BUT I SHOULD BE GRATEFUL FOR CLARIFICATION, AS THE QUESTION MAY COME UP AGAIN.

7. I SHOULD BE GRATEFUL IF THE BOARD OF TRADE WOULD TRY TO DISCOVER WHEN THEY SPEAK TO THE IRAQIS :-

(A) WHAT THE CHANCES ARE OF THE SERVICE ACTUALLY BEING FLOWN.
(B) WHAT ROUTE THE IRAQIS PROPOSE TO FLY FROM SCHOENEFELD TO LONDON.

/FCO PASS

CONFIDENTIAL

BONN TELNO. 334 TO F.C.O.

FCO PASS IMMEDIATE TO WASHINGTON AND PRIORITY TO PARIS, BAGHDAD, AND SAVING TO MOSCOW AND U.K.DEL NATO.

SIR R.JACKLING [REPEATED AS REQUESTED]

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RESEARCH DEPT (SOVIET SECTION)

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(17)

MUA 4/359/1

Mr. Cromartie

Iraqi Rights at Schönefeld

Mr. Gallagher wished to see the papers and have a chance to comment before we wrote to the Board of Trade agreeing that they should approve the Iraqis' proposed scheduled service on the route Baghdad-Istanbul-Prague-Schönefeld-London.

Flag A 2. On receipt of Mr. Linstead's letter informing us of the new route included in the Iraqi summer schedules, it was agreed with W.E.D. that we should telegraph Bonn asking them to inform the Germans of the new schedules and to report on their reactions. (See telegram No. 171 (9) at Flag B).

3. Bonn informed us in their telegram No. 320 (12) (Flag C) that the Germans thought that quadripartite consultation would be necessary. The matter would have to be discussed further. The Americans made representations in Washington that this was an unfortunate moment to give approval to these schedules and wondered whether there was any chance of postponing the decision. (See Washington Tel no 884 at Flag D)

4. I spoke with Mr. Mineeff in Bonn on the 'phone this morning. He had approached members of the Bonn group individually, in order to try to avoid the need for a formal quadripartite meeting. Although he had met with expressions of regret that we should be approving the schedules, he had succeeded in convincing his colleagues of the serious difficulty we should face in any attempt to withhold our approval. They had agreed to take note of the proposed service. They had however emphasized that we should remain alert to any means of stopping the service.

--- 5. I attach a self-explanatory draft letter for Mr. Crosthwait to send to Mr. Gardner, informing the Board of Trade that we have no objection to their approval of the Iraqi schedules and asking them to agree to our authorizing Bonn and Washington to inform the members of the Bonn group and the State Department respectively that we hope to raise this matter during our forthcoming negotiations with the Iraqis.

6. Western European Department agree.

LAST REF.	(9) (12)
NEXT REF.	(45)

ARWilson.

(A. R. Wilson)
Aviation & Telecommunications Dept.
24 March, 1970.

~~Mr Crosthwait~~.

I agree. I fear that we have no real option

R Ian J Cromartie
24/3

PA, BBU. with 69/69 file on 20/4
ARW
15/4

now see folio (30)
ARW 1/6

PA.

CONFIDENTIAL

8

Mr Wilson / ARW 18/4

Mr Broomfield / NHR 26/3

I discussed this ~~ee~~ with Mr Gallagher this morning in the light of Bonn telegram No 334. He agreed that we should now give our consent to the Board of Trade's accepting the Iraqi schedule.

2. ~~It~~ Mr Gallagher would however like us to look into the possibility of tightening up future ASA's to avoid the possibility of this kind of embarrassment. I explained the difficulties about "a point in Germany" and "a point in Europe" but I hope that we may be able to find a way round this difficulty. I should be grateful if you would consider.

RJSC
25/3.

CONFIDENTIAL

Aviation and Telecommunications Department.

25 March, 1970.

MUA 4/359/1

Iraqi Rights at Schonefeld

Please refer to your letter ⑥ to Nigel Broomfield of 10 March, 1970. I am sorry for the delay in letting you have the F.C.O. views on this. As you know, the matter is a delicate one, particularly in view of the timing of the Iraqi request. We and the French and Americans are due to start talks with the Russians on 26 March about the situation in and around Berlin for the first time in more than a decade; and Brandt and Stoph have just met for the first time ever. It has therefore been necessary to sound out the reactions of the Germans to the proposed services. I enclose copies of:

(i) FCO telegram No. 171 of 14 March to Bonn, ⑨

(ii) Bonn telegram No. 320 of 20 March, ⑫

(iii) Washington telegram No. 884 of 23 March, ⑬

(iv) Bonn telegram No. 334 of 24 March, ⑯

which show the political difficulties encountered.

2. We agree that you may now approve the schedules proposed by the Iraqis. We should like to be able to authorise Bonn to tell the other members of the Bonn group and Washington to tell Sutterlin, should they approach us again, that this is a matter that we hope to raise in our forthcoming talks with the Iraqis. I hope you can agree to something along the following lines being included in a telegram to Bonn repeated for information to Washington:

> "You may, if you are again approached by your colleagues in the Bonn group, inform them on a confidential basis that we intend to raise this with the Iraqis at our forthcoming talks in the context of a general re-negotiation of the routes. There could, of course, be no guarantee that we should be successful in getting the Iraqis to agree to relinquishing their rights via Schönefeld to London."

/We should

pa. ACW 15/4

S.G. Linstead Esq.,
CA2,
Board of Trade,
Shell Mex House.

LAST REF.	⑥ ⑨ ⑫ ⑬ ⑯
NEXT REF.	⑳

CONFIDENTIAL

Oc

3. We should also be grateful if you could follow up the points raised in paragraph 7 of Bonn telegram No. 334. I realise that it may be difficult to get hold of this information, but should be grateful for anything you can glean on the subject.

(R.I.T. Cromartie)

Mr. [illegible]

Enter & p.a.

ACW

(19) 1/4

RECEIVED IN
REGISTRY No. 42
-1 APR 1970
MUA 4/359/1

TELEGRAM
RECEIVED IN [illegible] BY
TEL[illegible]

1250 26

Hd. A. & T. D.
for Broomfield

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TO PRODROME LONDON NHRA BROOMFIELD F/CO A AND T DEPT .

BT

FLLG HAS BEEN SENT TO CIVIAL AVIATION AUTHORITIES BAGHDAD.
D1295 YOUR TR NOS 180 231 AND 245. IA037/8 SUMMER SCHEDULE
EFFECTIVE 1 APR TO 31 OCT. NO OBJECTION

261229Z

LAST REF. /

NEXT R[illegible]

GMB

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Arew 1/4

(20)

BOARD OF TRADE
CA 2/2b

Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119 Telegrams: Civilair, London, Telex
Telephone: 01-836 1207, ext. 261

Your reference:
Our reference: EB 91/01

31 March 1970

RECEIVED IN
REGISTRY No. 42
-1 APR 1970
MUA4/359/1

R I T Cromartie Esq
A & T Dept
Foreign & Commonwealth Office
Gt George Street
LONDON SW1

Dear Ian,

IRAQ/SCHONEFELD

(18)

Thank you for your letter of 25 March. We have now authorised Iraq Airways services to London via Schonefeld. I am sorry that this has caused political difficulties with the other Allied Powers and with the Germans. However Iraqi entitlement to "a Point in Germany" is one of the anomalies with which we are burdened and which it is likely to be difficult to get rid of in the near future.

We have no objection to your telling the Germans that we hope to renegotiate Schonefeld out of the agreement at some future date, provided that it is made clear that we cannot guarantee a successful outcome to such an attempt.

As far as the questions in para 7 of Bonn Telegram No.334 are concerned, we have no immediate indication of whether IA are going ahead with this service via Schonefeld. On a previous occasion they announced a service and withdrew it at the last minute.

The route which IA are intending to operate is Baghdad/Istanbul/Prague/Schonefeld/Copenhagen*/Hamburg*/Amsterdam*/London. The terms of the telegram notifying the route are rather obscure and we are seeking confirmation but it is clear that they do not intend to exercise traffic rights at points marked with an asterisk. They are in any case blinded between Prague and London. In these circumstances I can only assume that the service will be highly uneconomic and that it is being subsidised in some way by the Iraqi Government.

Yours ever,
Stephen

S G Linstead

LAST REF.	(18)
NEXT REF.	

Reference MUA 4/359/1

(21)

Mr. Chamberlain

Miss Spencer (Western European Dept.)

Iraqi Rights at Schönefeld

Flag B. (16)

Mr. Mineeff rang this morning and would like an answer to the legal point raised in Bonn telegram No. 334. The question may be raised at a tripartite meeting in Bonn at 3 p.m. today. I had discussed this with Mr. Chamberlain on 26 March who said that it was possible to argue this point both ways. Although it was possible to argue that the Iraqis have rights at Schönefeld on the basis of their temporary operating permit granted in 1968, the issuing of which was justified partly by the legal argument set out in paragraph 2 of the attached speaking notes and partly on economic grounds, it was also possible to argue the case as put by the Germans. (in para 6 of Bonn telno 334.

2. I discussed this at a meeting with Mr. Crosthwait on 26 March and it was decided that we should stick to our original legal argument, as the pass had been long since sold; the Iraqis have during 1969 on several occasions operated scheduled services through Schönefeld to London; and, having stated our case in Bonn and faced the criticism there, it would be getting the worst of both worlds if we attempted at this very late stage to reverse our decision, ~~which~~ since this would offend the Iraqis as well.

3. Do you agree that I should speak to Mr. Mineeff along the lines of the attached speaking notes? I intend subsequently to send a letter setting out the position in greater detail which I shall circulate for comments.

A.R. Wilson.

(A. R. Wilson)
Aviation & Telecommunications Dept.
31 March, 1970.

I agree generally, subject to Mr. Mineeff being told for his own information that the legal argument in para. 3 is not the only one and that it might be open to us to argue this the other way, as the Germans suggest, at need. Also subject to clarification to Mr. Mineeff that the / note

LAST REF. (16)
NEXT REF.

Pa. ARW 1/4.

quote in para. 5 in fact only includes one point in Germany and not two as would appear at first glance to be the case (as I understand from Mr. Watson). Also to clarification that para. 4 refers to raising the point with the Iraqis.

2. I am glad to note (para 2 of the draft) that the B.o.T have agreed to cover the Schönefeld question in future talks with the Iraqis (and to our informing our Allies of this). Had they not done so, I would have strongly urged that we take the line with the Iraqis that "a point in Germany" meant one point only i.e. that they should choose between Schönefeld and Frankfurt/Munich.

I.S. Winchester
(I.S. WINCHESTER)
WED
31/iii

I agree with the draft speaking Notes subject to the provisos set out in Mr Winchester's minute. I should also point out that in my opinion the second argument for "tacit recognition" set out in paragraph 3 of the draft is somewhat weak.

K F Chamberlain
31/3.

I spoke to Mr Moncrieff on the lines of the draft speaking notes which I amended in line with the above minutes. AGW. 1/4.

CONFIDENTIAL

21(EI)

Registry No.

SECURITY CLASSIFICATION

~~Top Secret.~~
~~Secret.~~
Confidential.
~~Restricted.~~
~~Unclassified.~~

PRIVACY MARKING

..................................In Confidence

DRAFT Speaking Notes

Type 1 +

To:— for use in [illegible] giving Mr Mineeff in Bonn a line to take ~~in a tripartite~~ should the question be raised at a tripartite meeting on 31/8.

From

Telephone No. & Ext.

Department

Cleared with DoT.

Iraqi Rights at Schönefeld

You should not raise this subject yourself: you may draw on the following if questioned.

2. We intend to press the Iraqis at our forthcoming talks, in the context of a general re-negotiation of the routes, to agree to relinquish their rights via Schönefeld to London. There could of course be no guarantee that we should be successful in this attempt. A date for the ~~The timing of the~~ talks is not yet fixed.

The GOT. have agreed to these schedules effective to 31 October.

3. The Legal Position on "A Point in Germany"

Subject to the frequency of the service stipulated in the Agreement, the Iraqis may use as many points in Germany as they chose, provided that they do not call at more than one point on any given flight. This of course is subject to the Iraqis obtaining permission from the federal authorities or the East Germans to use points as they request. We have already given tacit recognition of the Iraqi rights to operate through two separate points in Germany on different routes, first by the fact that they operated two separate services via Frankfurt and Munich, and, secondly, by the permission we have given them in the past to operate in special cases their scheduled services through Schönefeld ~~Frankfurt~~ instead of Frankfurt. For your own information, ~~[illegible]~~ this legal argument is not the only one, and it would be possible to argue as the Germans have. However, for the reasons given above and in para 4, you should stick to this interpretation.

4. ~~Do~~ We would not ~~reel~~ [illegible] ~~to intervene~~ object to the Iraqi service at this time bearing in mind violent Iraqi reaction to German attempt to impose similar restrictions, (see para 3 of Bonn Telno 320) - and the fact that the Germans had themselves stepped down in face of the Iraqi retaliation

~~4.~~ 5. The route~~s~~ tabled by the Iraqis is Baghdad - Istanbul - Prague - Schönefeld - Copenhagen - Hamburg - Amsterdam - London; Copenhagen, Hamburg and Amsterdam would be technical stops only without

NOTHING TO BE WRITTEN IN THIS MARGIN

traffic rights. They would then not enter into the category of "a point in Germany", which includes those points served with traffic rights only. The Board of Trade have asked the Iraqis for clarification of this route, since it makes very little aviation sense. The Board of Trade do not consider that there is more than a 50/50 chance of the route being operated.

NOTHING TO BE WRITTEN IN THIS MARGIN

Entd 9/4

RECEIVED IN
REGISTRY No. 42
10 APR 1970

MUA 4/359/1

(22)

ED 91/02

NOTE FOR THE FILE

I spoke to Mr Jameel (Iraq Airways Manager, London), who had earlier phoned with an inquiry (originating in Baghdad) about the status of his company's traffic rights between Schoenefeld and London.

2. I confined my comments to a statement that IA held a temporary operating permit for a once weekly service on the route Baghdad - Istanbul - Prague - Berlin (Schoenefeld) - London with rights between Prague and London limited to 10 day stop-over. I did not offer any comment nor was I asked whether we would grant any additional frequencies on this route through Schoenefeld.

S G Linstead
CA2/2b
7 April 1970

c.c. Mr Broomfield
(ACF - F/CO)

File
Folders

PA. ARW 13/4.

LAST REF.	/
NEXT REF.	

COVERING CONFIDENTIAL
BY F/CO BAG

Encl.

ARW 15/4

Civil Aviation Department

EB 91/01

8 April 1970

RECEIVED IN
REGISTRY No. 42
15 APR 1970
MUA 4|369|1

G R Sunderland Esq
British Embassy
Beirut

It is anyone's guess when the negotiations with Iraq will ultimately take place. However in order to be fully prepared, I have drafted a summary of the complex Anglo-Iraqi traffic rights situation with some suggestions for the attitude we should adopt on this subject at the talks.

I appreciate that your records on this subject are probably negligible, given the 1967 conflagrations, but I would nevertheless be grateful for any comments.

S G Lynstead

cc Mr Wilson (A & T Dept F/CO) ✓

pa. ARW 15/4.

DRAFT

THE ANGLO/IRAQI TRAFFIC RIGHTS IMBROGLIO

The status of traffic rights enjoyed by the airlines of Iraq and the United Kingdom in the territories of the two countries is highly complex. The confusion springs from a variety of factors (e.g. frequent alterations to BOAC's and Iraq Airways' route requirements, absence of full-scale negotiations since 1951 and the UK failure to reply formally to an Iraqi note of 3 July 1957).

The ASA of 1951

2. The original ASA of 1951 was a normal Bermuda type bilateral. The route schedules were as follows:

(i) UK Routes

Points in UK Territory	Intermediate Points as desired	Terminal or Traversing Points in Iraqi Territory as desired	Any one or more of the following as Traversing or Terminal Points as desired
(1) London	Zurich &/or Rome (or Malta or Tripoli) Cairo	Basra	Karachi & beyond
(2) London	Zurich &/or Rome Beirut (or Damascus)	Basra	Kuwait & beyond
(3) London	Zurich &/or Rome	Bagdad	Bahrain Karachi then either (a) Bombay & points beyond or (b) Delhi Calcutta and points beyond
(4) Cyprus		Bagdad	
(5) Bahrain	Kuwait	Bagdad	

(ii) Iraqi Routes

Points in Iraqi territory	Intermediate Points as desired	Terminal or traversing points in UK territory as desired	Any one or more of the following as traversing or terminal points as desired
(1) Iraq	Dhahran	Sharjah	Karachi and beyond
(2) Iraq		Kuwait	Abadan
(3) Iraq		Kuwait	Bahrain
(4) Iraq		Cyprus	
(5) Iraq	Damascus &/or Beirut &/or Cairo Athens Malta &/or a point in Italy a point in Switzerland a point in France	London	

The Abortive amendment of 1957

3. Due to changes in the route requirements of BOAC and Iraq Airways, attempts were made in 1956/57 to secure revised route schedule, culminating in a U.K. note (No 29) of 15th January which suggested that "all the amendments now approved be incorporated formally in an Exchange of Notes" and endorsed drafts for this purpose. The new route schedule proposed in the British draft was as follows:

(i) UK Routes

Points in UK territory	Intermediate points as desired	Terminal or traversing points in Iraqi territory as desired	Anyone or more of the following as traversing or terminal points as desired
(1) London	a point in Germany a point in Switzerland Vienna &/or Rome Calcutta or Tripoli (in N.Africa) Athens, Istanbul (or Ankara) Cairo	Basra	Bahrain Karachi and beyond
(2) London	a point in Germany a point in Switzerland Vienna, &/or Rome Athens, Istanbul (or Ankara) Cyprus, Beirut (or Damascus)	Basra	Bahrain Karachi and beyond
(3) London	a point in Germany a point in Switzerland Vienna &/or Rome Athens, Istabul (or Ankara) Cyprus	Baghdad	Kuwait Bahrain Karachi, then either (a) Bombay and points beyond, or (b) Delhi Calcutta and points beyond
(4) Cyprus		Baghdad	
(5) Bahrain	Kuwait	Basra	

(ii) Iraqi Routes

Points in Iraqi territory	Intermediate points as desired	Terminal or traversing points in UK territory as desired	Any one or more of the following as traversing or terminal points
(1) Iraq	Dhahran	Sharjah	Karachi and beyond
(2) Iraq		Kuwait	Abadan
(3) Iraq		Kuwait	Bahrain
(4) Iraq		Cyprus	
(5) Iraq	Damascus &/or Beirut &/or Cairo, a point in Turkey, Athens, Malta, &/or a point in Italy Vienna, a point in Switzerland a point in France.	London	

4. O.23 May 1957 a UK note was delivered in Baghdad asking whether the Iraqis were now ready to complete the proposed exchange of notes and suggesting that the Iraqi's might wish to add "a point in Germany" to Iraqis might wish to add "a point in Germany" to Iraqi Route No.5. It is not immediately apparent why we offered "a point in Germany", when the Iraqis were only interested in Frankfurt, but it is probable that we were trying to clinch the deal at the time and we wanted to give the proposed exchange a greater appearance of reciprocity. The Iraqi's eventually replied to the British note on 3 July 1957. This accepted the UK Route contained in the British proposals but demanded an Iraqi route schedule on the following lines:

8

Points in Iraqi territory	Intermediate Points as desired	Terminal or Traversing points in UK territory as desired	Any one of the following as traversing or terminal points
(1) Iraq		Bahrain	Karachi and Bombay or New Delhi and beyond
(2) Iraq		Kuwait	Dhahran Jeddah, Khartoum and beyond
(3) Iraq		Kuwait	Bahrain
(4) Iraq		Cyprus	
(5) Iraq	Damascus and/or Beirut and/or Cairo a point in Turkey Athens, Malta, and/or a point in Italy, Vienna a point in Switzerland a point in Germany a point in France	London	

5. Although we had been prepared to agree to the addition of "a point in Germany" in Iraqi Route 5, we were not prepared at that stage to grant the Iraqis rights through Bahrain to Karachi, Bombay, New Delhi and beyond, nor were we willing to grant them rights through Kuwait to Jeddah, Khartoum and beyond. Unfortunately no immediate reply was sent to the Iraqi note of 3 July 1957 and this made it possible for the Iraqis at a later stage to claim that we had by default accepted the proposals contained in that note(See Iraqi note no.3660/236/101/33990 of 2nd August 1962).

6. Although we have never accepted the Iraqi version of the proposed exchange of 1957, we have been prepared to issue temporary operating permits to Iraq Airways for points included in the UK proposals of that year; indeed a full permit was issued on 15 August 1960 for Iraq Airways to fly unlimited frequencies on route 5 of the Iraq schedule contained in our note.

New "Rights" exchanged since 1957

7. Unfortunately, the exchange manqué of 1957 was not the end of the affair. Although we had objected to IA exercising rights at Bahrain on route to Karachi, Bombay, New Delhi, etc., we eventually issued a temporary operating permit to the company in 1959 to operate a once weekly service on the route Baghdad/Bahrain/Karachi/Delhi (Iraqi Note 238/238/101/61636 . of July 30th 1959 and Embassy Note 694 of 10 August 1959). The Iraqi's subsequently asked for additional frequencies through Bahrain to Bombay but these were refused.

8. The issue of rights for IA between Prague and London was the centre of much correspondence in the early 1960's. The right to fly a once weekly blinded sector between Prague and London had been accorded to IA in 1959 by means of a temporary operating permit (Embassy Note No.694). However, the Iraqi's demands for traffic rights on this sector were consistently refused. Finally in 1965 the Iraqi's were allowed 10 day stop-over rights at Prague on one service a week only in exchange for similar rights for BOAC between Beirut and Baghdad (once a week). (Embassy Note No.664 of 1965 and MFA Note 2332/82/101/85897). The last piece of the jig-saw puzzle is Doha. A temporary operating permit allowing a once weekly service on the route Baghdad - Basrah - Kuwait - Doha was issued on 1 May, 1968, the Iraqi's having previously granted temporary rights to BOAC on the route London/Baghdad/Bahrain/Doha/New Delhi.

9.This is a considerable simplification of a highly complex state of affairs. In addition to the dispute over the exchange of 1957, the Iraqis have at various times in the past sought to exercise rights to which they were not entitled. In 1959, IA announced its intention of flying a weekly service Baghdad/Basra/Kuwait/Bahrain/Karachi/New Delhi. We did not regard the exchange of 1957 as having permitted this operation nor had IA at that time any operating permit for the sector. However in order to stop friction a t.op for a once weekly service Baghdad/Bahrain/Karachi/Bombay was subsequently issued (see para.7 above). In March 1968, IA had to be told to omit Dhahran from their service to Bahrain and it took several exchanges before they reluctantly agreed. In 1969, moreover, the Iraqi's tried to fly into Abu Dhabi despite a firm refusal of such rights by the Board of Trade. In the event their plane was turned back on arrival at Abu Dhabi without any passengers being permitted to embark.

Conclusions on Rights situation

(1) There has been no formal amendment of the route schedule of the 1951 ASA

(2) The UK has acted as if the amendments which it proposed in January 1957 (with the addition of "a point in Germany") had been effected.

(3) The Iraqi's have maintained that they are entitled to the Iraqi route contained in their proposal of July 1957. The UK does not accept this interpretation.

(4) The Iraqi's have subsequently received the following rights on the basis of t.o.p's.

(a) A once weekly service: Baghdad/Bahrain/Karachi/New Delhi (1959) (ex gratia).

(b) 10 day Stop-over rights once a week between Prague and London (1965) (in return for similar rights for BOAC between Beirut and Baghdad)

(c) A once weekly service: Baghdad/Basrah/Kuwait/Doha (1968) (in return for similar rights for BOAC on the route London/Baghdad/Bahrain/Doha).

Suggested Line for Negotiation

10. At the moment BOAC's services through Baghdad are covered by the published ASA of 1951(with the exception of Frankfurt)on the route London/Frankfurt/Baghdad/Bombay. Iraq Airways on the other hand exercises rights at a large number of points on routes not mentioned in the published ASA (e.g. Vienna, Frankfurt, Schönefeld, Doha, Bahrain/Delhi/Karachi. There would thus appear to be tactical advantage in stressing that any rights

8

granted to IA since 1951 are on a temporary basis only. It is not suggested that we should take the initiative in withdrawing any of IA's temporary rights save in relation for denial of similar rights to British airlines. For a start the status of the 1957 exchange is obscure and it is arguable that the Iraqi's have established a right to certain of these routes. However, a tactical refusal to recognise the Iraqis as entitled as of right to anything other than what is provided in the published ASA of 1951 might underline the extent of the concessions which have been made to them already and the weakness of their bargaining position.

S G Linstead

CA 2/2b

8 April 1970

(21)

AVIATION AND TELECOMMUNICATIONS D

Foreign and Commonwealth Office
London S.W.1

(MUA 4/359/1) 15 April, 1970

Iraq Rights at Schönefeld

When I gave you guidance on the phone as to what you should say, should the subject of Iraq's proposed scheduled flights through Schönefeld to London be raised at the tripartite meeting on 31 March, I agreed to let you have a more detailed assessment of the legal position in writing.

2. It may be worth resuming what I said on the phone. You agreed to speak on the following lines:-

(a) We intend to press the Iraqis at our forthcoming talks, in the context of a general re-negotiation of the routes, to agree to relinquish their rights via Schönefeld to London. There could of course be no guarantee that we should be successful in this attempt. A date for the talks is not yet fixed. The Board of Trade have agreed to these schedules effective to 31 October.

[see [illegible] letter of 24 April at folio 28]

(b) The legal position on "a point in Germany"; subject to th frequency of the service stipulated in the Agreement, the Iraqis may use as many points in Germany as they choose, provided that they do not call at more than one point on any given flight. This of course is subject to the Iraqis obtaining permission fro the Federal Authorities or the East Germans to use points as the request. We have already given tacit recognition of the Iraqi rights to operate through two separate points in Germany on different routes, first by the fact that they operated two separate services via Frankfurt and Munich, and, secondly, by th permission we have given them in the past to operate in special cases their scheduled services through Schönefeld instead of Frankfurt.

(c) We would not wish to object to the Iraqi service at this time, bearing in mind the Iraqi reaction to the German attempt to impose similar restriction and bearing in mind the fact that the Germans have themselves stepped down in face of the Iraqi threat of retaliation. (see paragraph 3 of your tel. no. 320)

(d) The routes tabled by the Iraqis is Baghdad-Istanbul-Prague-Schönefeld-Copenhagen-Hamburg-Amsterdam-London; Copenhagen, Hamburg and Amsterdam would be technical stops only without traffic rights. Hamburg would thus not enter into the category of "a point in Germany", which includes those points served with traffic rights only. The Board of Trade have asked the Iraqis for clarification of this route since it makes very little aviation sense. The Board of Trade consider that there

A.K. Mineef, Esq.,
Bonn.

/is only

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pp ARW 15/4.

is only a fifty fifty chance of the route being operated.

3. In 1957 there was an inconclusive Exchange of Notes in which the Iraqi rights to "a point in Germany" were included for the first time. This Exchange was never finally published. Although the Iraqi's right to fly to "a point in Germany" was at the time of the inconclusive Exchange of Notes doubtful we in practice accepted their rights to do this, since we gave them the right to operate through Frankfurt and for a time Munich as well, without qualification the system being that at the beginning of each season the Iraqis send the Board of Trade a list of routes and the points on them that they propose to use and the Board of Trade notifies their acceptance or refusal. Having acquiesced in this situation which has continued for over 11 years, we would have difficulty in arguing that the Iraqis did not now have a right to a point in Germany. In this context "Germany" must be taken to include "East Germany".

4. As I told you on the phone it could be argued, as the Germans have, that "a point in Germany" refers to one point only. However, our tacit recognition of their rights to operate through two points has been established by the Munich/Frankfurt situation referred to in 2(b) above. The second reference to the special cases where we have agreed to a service through Schönefeld replacing one through Frankfurt is a less strong legal argument for claiming that we recognised the Iraqi rights to operate through two separate points in Germany on different routes, in that it could be argued that, by stipulating that these were special cases, we had not admitted that they had any "right" to operate the route. However, in practical terms, it made our position viz a viz the Iraqis weaker, in that, in view of our agreement to the special flights, taken in conjunction with our tacit concurrence in a situation which has existed since 1968 in which the Iraqis have held two separate operating permits for these two routes simultaneously, they would, we think, have claimed that we should have made it clear at the time of issue of these permits that there could be no question of these being operated concurrently.

5. I hope there will be no further comeback on this issue after your tripartite meeting on 31 March. However, I should be grateful for an indication of the outcome of any discussion you had on this question at the meeting.

(A.R. Wilson)

P.S. I am copying this letter to Chancery, Baghdad; Chancery, Washington; ~~&~~ G.R. Sunderland, Esq. CAA, Beirut; S.G. Linstead, Esq., CA.2, B.O.T.

Copies sent 15/4

CONFIDENTIAL

with 24

Reference MUA 4/359/1

~~Mr. Chamberlain~~

~~Mr. Winchester~~ (Western European Dept.) 8/iv

Iraq: Rights at Schönefeld

I should be grateful for your comments on the attached draft letter to Mr. Mineef in Bonn. In it I have recorded the instructions which I passed to him on the phone before the tripartite meeting and have also gone further into the legal position.

2. I think it will be useful to have this down for the record. I am also copying the letter to Baghdad, Washington, Beirut (for CAA) and to Mr. Linstead in the Board of Trade. I think that it is as well to have a full picture of the position. I should be grateful therefore for any additions you would like to see made.

A R Wilson

(A.R. Wilson)
Aviation & Telecommunications Dept.
2 April, 1970

I have suggested some amendments to the draft which I think are self-explanatory.

I would be grateful however if you could check the accuracy of the first two sentences of paragraph 3 of the draft. I seem to recall that in 1957 (not 1967) the UK sent a draft of a Note to the Iraqis offering them "a point in Germany". The Iraqis never responded to this offer but the U.K subsequently gave the Iraqis an operating permit to serve Frankfurt. Could you please check that this was so, if necessary by referring to the 1957 papers?

K J Chamberlain
7/4.

Pa. ARW 15/4.

/Mr. Cromartie.

Mr Cromartie

You may wish to see the attached draft letter before it issues. It has been cleared with Mr Chamberlain and W.E.D.

2. Mr Chamberlain has raised two points in his minute. The exchange was in 1957 (not 1967) as he states. The position regarding the 'inconclusive exchange of notes' in para 3 of the draft is set out most clearly in the attached paper which I have just received from Mr Linstead B.O.T. (see paras 3 & 4 in particular). I have amended the first sentence of my para 3 accordingly, which, together with Mr Chamberlain's amendment, covers the case, I think.

A.K. Wilson
13/4.

I agree with the draft, which should give them what they need. We must ensure that the brief for the talks with the Portuguese is thoroughly considered, if necessary at a high level. Mr Linstead seems to be taking a fairly robust line at the moment to judge from his letter of 8 April to Mr Sunderland and we must ensure that the BOT do not weaken too much.

RJC
14/4.

Mr. Wilson
ARW.
Early advice pl.

[illegible]

Enter & b.u. soon, please

ARW. 15/4

(25)

GERMAN EMBASSY

III A 4-83.71/2

Please quote in your reply:

23, Belgrave Square
LONDON S.W. 1
Tel. 01-235-5033
Extension:
Office hours:
Monday – Friday 9.30 – 12.30

1970 13th April, 1970

Miss G. Brown,
Foreign and Commonwealth Office,
Aviation, Marine and Telecommunications Dept.,
Downing Street,
London, S.W.1

RECEIVED IN
REGISTRY No. 42
22 APR 1970
MUA4/359/1

Dear Miss Brown,

The Federal Ministry for Foreign Affairs would be obliged if you could state whether on the British side the right to take up passengers, freight and post has been granted to the Iraqui Airways route Bagdad - Berlin-Schönefeld - London for the stretch Berlin-Schönefeld - London and back.

An early reply would be much appreciated here.

Yours sincerely
P. Kalischek
(P. Kalischek)
1st Secretary (Shipping)

fa. ARW 22/4.

LAST REC. /
NEXT REC. (26) (27)

(26)

Mr. Wilkinson ARW 21/4.

For further action

20/4

MUA 4/359/1

20 April, 1970.

(25)

Thank you for your letter, III A 4-83.71/2, of 13 April to Miss Brown. I am replying in her place since I have recently taken over as Head of the new Aviation and Telecommunications Department. Miss Brown remains Head of Marine and Transport Department.

The British aeronautical authorities approved on 26 March the Iraq Airways summer schedules, which included the route Baghdad-Istanbul-Prague-Berlin (Schönefeld)-London, with full traffic rights on the sector Berlin (Schönefeld)-London and back.

(T.L. Crosthwait)
Aviation and Telecommunications Department.

Mr. P. Kalischek,
First Secretary (Shipping),
German Embassy,
London.

pa. ARW 22/4.

LAST REF.	(25)
NEXT REF.	(27)

Confidential Reference MUA4/359/1

Mr Chamberlain

I should be grateful if you could confirm that there is no legal objection to writing to Mr Kalischek of the German Embassy on the lines of the attached draft. We do not wish to enter into any of the details of why we issued the permit at this stage.

2. The letter ~~in~~ in which we have set out the legal position fully is at folio 24.

3. I should be grateful if you could send this back timed immediate, since Mr Kalischek has asked for an early reply.

A R Wilson
15/4.

Mr Wilson

I agree with the draft subject to the amendment I have suggested to the last sentence of paragraph 2.

K J Chamberlain
17/4.

Miss Spencer (WED)

You wanted to have a look at the draft and the other papers.

2. As I said on the phone, I think it would be most unwise at this stage to go any further in our draft reply into the legal

details. As you will see from my letter at folio 24 to Mr Muiceef in Bonn, the legal position is extremely involved. Although we could not at this stage have refused the schedules, it is true that the Iraqi 'rights' are not based on the usual formal exchange of Notes, but rather on a de facto situation, in which we have given tacit approval to the rights.

3. Since there has been no further comeback from Mr Muiceef since he spoke along the lines we gave him on 31 March (see folio 21), I think it unlikely that this approach from the German Embassy is particularly significant. [illegible] In any case, given the completely neutral tone of [illegible] Mr Kalischek's letter I do not think that we can be faulted from replying in similar tone. If there is any further information he requires, he would surely have been more specific.

4. If you do wish to amend the draft, I should be grateful if you pass the papers back to me via Mr Chamberlain for his comments.

A R Watson.
15/4.

I would prefer not to mention the legal argument, which seems to me very shaky, in the reply.

Gladstone
16/4

Confidential Reference MUA 4/359/1 W 26

we discussed. I attach a draft letter which you may like to send to Bonn. R Spencer 16/4

Mr. Watson. Av. & T. Dept

Mr Gomantic

I attach a draft reply to the letter from Mr Kalischek to Mr Crosthwait about Iraqi traffic rights Berlin (Schönefeld) - London and back.

2. Western European Dept would prefer to omit the last sentence. Although I had originally thought there would be advantage in emphasising that this decision had not been taken by us without consulting the Bonn group, I ~~take~~ accept Mr Gladstone's point that it would be better to restrict the answer to the factual information required. To raise the legal question unnecessarily might merely stimulate further probings from the Germans.

3. You may also wish to see the draft letter to Mr Ceef, which Miss Spencer of WEO, has supplied, asking him to suggest a form of words we could ask the BOT to put to the Iraqi's ministry that they may observe the 4 power procedures on entering and leaving the Berlin control area.

4. I think these letters should issue, if possible, before the weekend.

AE Watson 17/4.

R Crosthwait

Jm. HAW 17/4

Mr Crosthwaite

I agree that it would be best to give a completely clean-breast reply without attempting to justify ourselves, in the hope that the Germans will not return to the charge.

2. I think that the draft to Bonn would be much more useful if it could be cleared with and copied to the BOT, which Mr Wilson could do after the first has issued

20/4.

Cleared with and copied to B.O.T.

ARW
22/4.

Aviation & Telecommunications Dept.

(27)

22 April, 1970.

MUA 4/359/1

despatched
22/4.

Iraqi Airways Flights via Schönefeld

... I enclose a copy of a letter (15) we have received from the German Embassy, asking about traffic rights for Iraq Airways
.... at Schönefeld, and a copy of our reply. (26) We must hope that the Germans do not take this too tragically.

2. In the circumstances, it seems that the least we can do is to see that the Iraqis observe the proper Four Power procedures on entering and leaving the Berlin Control Zone. We would be grateful if you could let us have a form of words setting out the procedures which we can put to Iraqi Airways.

3. You will no doubt be discussing this with the Civil Air Attaché: it might be useful if he were to keep in touch with the Board of Trade over this.

(A.R. Wilson)

c.c. ✓P.R. Metcalfe Esq., Berlin,
✓D.G. Hyde Esq., BOT,
✓S.G. Linstead Esq., BOT.

22/4.

B.U. 2 weeks 22/4

A.K. Mincoff Esq.,
BONN.

p.a. 1/6.

LAST REF.	(25) (26)
NEXT REF.	(28) (39).

Enter & pa.

(28) ARW 22/4

BOARD OF TRADE

Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119
Telegrams: Civilair, London, Tele
Telephone: 01-836 1207, ext. 26

RECEIVED IN
REGISTRY No. 42
22 APR 1970
MUA 4/359/1

Your reference:
Our reference: EB 91/01

A R Wilson Esq
A & T Dept
Foreign & Commonwealth Office
Gt George Street, London SW1

21 April 1970

Dear Sandy

IRAQ/Schonefeld

(27) (24)

(24) You kindly copied to me your recent letter to Mineef concerning Iraq rights at Schonefeld.

Perhaps I should just point out that there is in our view no restriction under the Agreement on the frequency which Iraq Airways may mount through Schönefeld. It is true that the terms of their temporary operating permit restricts this right to a once weekly frequency. However, if the airline were to apply for additional frequencies, we should be hard put to refuse the request, given the fact that our offer of "a point in Germany" in 1957 was not circumscribed by any element of predetermination.

It may be that your paragraph 2(b) intended to convey this meaning, but I thought it wise to record our view in order to avoid any possible misunderstanding.

Yours ever
Stephen

S G Linstead
CA2/2b

LAST REF.	(27)
NEXT REF.	

(21/5)

BRITISH EMBASSY,
BEIRUT.

29

2nd May 1970

IRAQ

Your letter of 8th April. (28)

2. The only apparent error of fact that I can detect in your otherwise admirable summary of the rights situation is in your para. 10. B.O.A.C's present services through Baghdad include traffic stops at Beirut and Doha, neither of which were included in the route schedule to the 1951 Agreement. Iraqi Airways on the other hand are not currently exercising rights to London at Schonefeld, although I gather from Sandy Wilson's letter to Bonn of 15th April that some such proposal has been put forward. The balance of points available and utilised has not therefore shifted quite so much since 1951 as your note suggests.

3. Nevertheless, your conclusions seem broadly right. There is some importance of course to the Bahrain government in this question of the status of the 1957 arrangements, since they are naturally concerned to establish exactly what obligations they will inherit at the end of next year - particularly in respect of sectors which Gulf Aviation might want to operate themselves in the near future.

4. I will not offer any further comments on how the situation should ultimately be handled over the table until I know (a) how the revenue balance is now running, and (b) how much importance B.O.A.C. attaches to the right to overfly, given the considerations which I set out in the report on my visit to Baghdad in January.

5. It may be of interest to you to know that reliable reports reaching me from Baghdad have it that our friend the D.G.C.A. (Abdel Haq al-Ajeeli) is in prison and the politico Director-General of Iraqi Airways is wearing both hats for the time being. Other reports indicate that there has been a significant cooling off as between Sheikh Zaid and the Iraqis. All of which points, I would have thought, to a quiet summer on our bilateral front, unless we make a decisive effort to stir things up ourselves.

per ARW 7/5

(G. R. Sunderland)

S. G. Linstead, Esq.
CA.2(2),
Board of Trade,
Shell Mex House,
LONDON, W.C.2.

c.c. A. R. Wilson, Esq. A. & T. Department, F.C.O.

LAST REF.	23
NEXT REF.	34

CONFIDENTIAL.

Reference MUA 4/359/1

㉚

Mr. Broomfield NB 115
Mr. Cromartie
Miss Spencer, (WED)
Mr. Gladstone

Rights at Schönefeld

Flag A. Please refer to Mr. Cromartie's minute of 25 March at folio 17, in which he recorded Mr. Gallagher's suggestion that we should look into the possibility of tightening up future Air Service Agreements to avoid the embarrassment of having to grant rights at Schönefeld to which the inclusion of "points in Germany" or "points in Europe" could lead, and asked us to consider possible ways round this difficulty.

Flag B. 2. This question has already been raised with the Board of Trade in Miss Brown's letter to Mr. Draper of 24 June, 1968 (AMT 3/2/193/1 Folio 10), in which she asked:

(i) whether it would be possible to get the wording in Air Service Agreements, ~~which would~~ grant, rights in East Germany, either deleted or modified to such an extent as to exclude the possibility of any other airlines stopping in East Germany on route to London,

(ii) that in future negotiations the use of such phrases should be avoided; we should always be consulted before such phrases are included; and we should prefer the use of phrases such as "points in Germany/Europe to be agreed".

Flag C 3. Mr. Le Goy's reply on 22 August, 1968 (Folio 13) was much as expected. He stated that we were of course always consulted when negotiating new agreements. He stressed, however, that we could put ourselves at considerable disadvantage at negotiations if we had to restrict our freedom to grant such unrestricted rights. "Any UK attitude in adopting unusual language in such instances so as to carve out East Berlin or East Germany would be conspicuous and an invitation to other parties to extract negotiating advantage from it".

LAST REF.
NEXT REF.

Flag D. Flag E. 4. Western European Department and Mr. Chamberlain then agreed with Miss Brown that we should not try to press the Board of Trade to be more forthcoming on restricting themselves in principle from using such phrases (see minutes at Folio W/13). Mr. White then wrote to Mr. Gladstone in Bonn saying that, as the Board of Trade always consult us before agreeing to any amendments to route schedules, we should normally be able to seek Bonn's views in advance if there were any likelihood of these phrases being used.

/5. The

5. The matter now rests there and I do not think that there is any advantage to be had in returning to the attack on this point. Since the main developments since 1968 have been towards a more liberal policy over East Germany and since we shall be much less open to criticism once the FGR/USSR Air Services Agreement is concluded which will give Aeroflot rights at Schönefeld and Lufthansa rights at Tegel, I think that we can hope that the Iraqi case will prove the last one where we shall be put in the embarrassing position which arose over the Iraqi flights via Schônefeld.

6. However, I think that it is important that all members of the Department should be aware of the problem. It is easy to forget the political snags that are involved when, at a briefing meeting before negotiations or at a recess during negotiations, it is proposed to include "points in Eurpore" or "points in Germany". Mr. White's letter of 9 October, 1968 (at Folio 2 of AMT 3/2/118/2) to Mr. Gladstone in Bonn shows how easy it is for the situation to arise at short notice. I recommend therefore that this minute be circulated to all members of the Department and brought up for re-circulation annually or until WED agree that the political situation with regard to East Germany and Schönefeld no longer requires such caution.

Flag F.

A R Wilson

(A.R. Wilson)
Aviation & Telecommunications Dept.
1 May, 1970.

I stressed this point verbally at the UK/Bulgaria Air Services Negotiations, and will do so again at the forthcoming UK/Rumania negotiations. The Bots in fact maintained that as a matter of course they use the "point to be agreed formula".

1/5

I am inclined to agree but I should be grateful for Western European Department's comments.

24/5.

I agree: I trust that this point will be borne in mind when the UK/Iraq ASA is renegotiated. R D Spencer 5/5

I have never been quite sure why it should be so difficult for the Board of Trade to use "a point in the Federal Republic of Germany"; I can see that other people's practices are relevant and think that in the case of more reliable partners "a point in Europe" would be allowable

6/5

Mr Cromartie
Mr Broomfield NM 18/6
Mr Gillespie [illegible] 30/6
Mr Bridgwood. [illegible] 19.6
Mr Boulton 19/6
~~Mr Griffin~~
~~Mr Sykes~~.

Mr Wilson to see ARW 7/5.

[illegible] I think that we should do a short minute for Mr Gallagher. Please would you do a draft in close consultation with W.E.D.

~~Mr Wilson~~ See the minute at (45). KJTS 13/5

Mr Wilson ARW 7/5 A&T. Dept
FOR ENTRY on your files. I think.
Could you also reply on Para 3?
PRM Hinchcliffe

Ent. 11/5

(31)

BRITISH EMBASSY

BAGHDAD

RECEIVED IN
REGISTRY No. 10
- 8 MAY 1970
NUA4/359/1

UNCLASSIFIED

NAW
7/5

1 May 1970

Dear Peter,

Iraqi Services to London

Parker the local B.O.A.C. representative has told us of a story which is gaining currency in B.O.A.C. official circles in Bahrain and here that the Iraqis have been cheating on the Delhi/Baghdad, Baghdad/London route. B.O.A.C. believe that the Iraqis are uplifting passengers from Delhi on one flight, landing in Baghdad for a very brief period only (about two hours) and then taking the same passengers on in a different aircraft under a different flight number from Baghdad to London. In order to gain custom on this route they are supposed to be offering discounts of up to 33⅓% below the IATA fare.

2. Iraqi Airways of course have no traffic rights on the full sector Delhi to London but have rights for each half of the route. Even if they are doing this it seems a rather difficult job to pin them down and produce evidence that they are breaking the rules. It would be quite easy for them in producing manifests both at the Delhi and the London end to distort names of passengers sufficiently to avoid detection if the two lists were put along side. However, B.O.A.C. here and in Bahrain are distrubed at this story and are convinced that some traffic of this nature is going on.

3. They believe that Air India would be even more concerned than them at the loss of traffic involved and they have asked us to check both with the Board of Trade and the High Commission in Delhi to whom I am sending copies of this letter, whether:

(a) there is any evidence of such traffic taking place,
(b) there is any chance of action to stop the Iraqis.

4. I should be grateful if there is anything you can let me know which I can pass on to Parker.

Yours,
John

(J. H. Symons)

P. R. M. Hinchcliffe, Esq.,
Near Eastern Department,
F.C.O.

c.c.: S. G. Linstead, Esq., CA.2(2), Board of Trade;
High Commission, Delhi;
G. R. Sunderland, Esq., Civil Air Attaché, Beirut.

See letter from Linstead at folio 36.

RD

BU. 29/5 ARW 13/5.

ARW 4/6.

LAST REF.	✓
NEXT REF.	

~~(35)~~

(32)

CONFIDENTIAL

United Kingdom Delegation to NATO,
1110 Brussels.

RECEIVED IN
REGISTRY No. 42
12 MAY 1970
MUA4/359/1

RECEIVED IN
REGISTRY No. 13
11 MAY 1970

5/11

6 May 1970

Dear Miss Spencer

Iraq Airways Flights via Schonefeld

The Greek Representative informed the Political Committee on 5 May that his authorities had received a new approach from Iraq Airways about landing rights at Athens for a scheduled service to East Berlin and Copenhagen.

WRE 21/2

2. He recalled the letter which he circulated to the Political Committee in May, 1969 (our telegram No. 275 of 13 May, 1969) and the fact that the Bonn Group had discouraged his authorities from agreeing to an Iraq Airways service flight which included Schonefeld (Bonn telegram No. 683 of 4 June and our telegram No. 375 of 24 June). He informed the Committee that the Iraqis had now come back with the same request. He had the impression that Athens would replace Istanbul as a stopping off point. He said that in the light of the Bonn Group's comments last year his authorities intended to refuse the request of the Iraq Airways.

*(18) (36) (42)

3. The Danish representative was asked about the fact that the flight appeared to include Copenhagen as well as Schonefeld. He had no information, but assumed that his authorities had yielded to the Iraq Airways request, despite the stop-over at Schonefeld. The Turkish representative, asked about the mention of Istanbul, said he had no information but would make enquiries.

4. There may be no further discussion of this subject, if the Greeks simply go ahead with their refusal to the Iraqis. However, you will notice that this refusal is based on the Bonn Group's guidance of last year and, as I understand FCO telegram No. 171 of 14 March last to Bonn, this guidance may now be out of date in respect of flights to London. In this context I note what Nicholas Bayne said at the end of his letter of 6 October 1969 about criticism of possible scheduled flights in the light of the attitude taken last year with the Greeks. Should this matter be looked at again in the Bonn Group? (2)

Yours sincerely
Patrick Grattan
(P.H. Grattan)

Mr Wilson is away temporarily. These files are returned to you for your comments initially NP 12/5

cc. Mr. Broomfield
A&T Dept.

Enter a submission with refs. RJS 11/5

File reached me today. Draft reply. RJS 18/5

Miss R.J. Spencer,
Western European Department,
Foreign and Commonwealth Office,
London, S.W.1.

c.c. N.P. Bayne, Esq., Bonn.

P.R. Metcalfe, Esq., Berlin.

1/6

LAST

(38) (39)

CONFIDENTIAL

(21/5)

BRITISH EMBASSY,
BEIRUT.

(33)

11th May 1970

Iraqi Airways: London/Delhi. (31)

I am glad to see from your letter of 1st May to Near Eastern Department that Jeremy Parker has begun to take an interest in the activities of Iraqi Airways in the London/Delhi market. I discussed the problem with him at some length in January but as I mentioned in my report (sent to you under cover of my letter of 7th February) he was unable to throw any light on the volume of this traffic. I have still to hear from the Board of Trade on whether it is thought that the Iraqis are breaking new ground or merely pinching traffic from their Arab neighbours.

2. Although the Board of Trade are not keen on early negotiations with Iraq on the Air Services Agreement, they would, like myself, like to be kept informed of any developments in the civil aviation sphere. One such is the fate of the D.C.A., Abdel Haq Al-Ajeeli, who I understand to be serving a prison sentence. Is this true, and if so how are the department's affairs now being conducted?

(G. R. Sunderland)

J. H. Symons, Esq.
British Embassy,
Baghdad.

c.c. S. G. Linstead, Esq. - CA.2(2), B.O.T.
Aviation & Telecommunications Department - F.C.O.

LAST REF.	(31)
NEXT REF.	

pa ARW 11/6

Check [illegible] (34)

CYPHER

NO DISTRIBUTION

for A & T Dept (42) ✓

" NED

RECEIVED IN
REGISTRY No. 42
18 MAY 1970

MUA 4/359/1

RR BEIRUT GR 75

CYPHER/CAT A
ROUTINE BOARD OF TRADE (CIVIL AVIATION) TO BEIRUT
TELNO.ALLOT 39 14 MAY 1970

Mr [illegible]
18/5

RESTRICTED

29 ? no copy. I think (28) refers to something else.
Mr Brookfield 18/5.

FOR SUNDERLAND FROM HALLIDAY
BEIRUT AIRPORT SAFEGUARDING PLAN
FOLLOWING YOUR LETTER OF 2 MAY WE ARE TRYING TO ARRANGE FOR SOMEONE OUTSIDE THE DIRECTORATE TO VISIT BEIRUT ABOUT MID JUNE. THE COST WOULD BE

(A) UK TRAVEL	£5 - 0 - 0
(B) RETURN AIR FARE	£175 - 2 - 0
(C) SUBSISTENCE PER DAY	£7 - 0 - 0
(D) SALARY INCLUDING TRAVEL TIME PER DAY	£22 -10 - 0

WE WILL KEEP YOU INFORMED OF PROGRESS AND IN THE MEANTIME WOULD LIKE TO KNOW WHETHER THE CHANGES ARE ACCEPTABLE TO BEYDOUN.

STEWART ?

Enter 19/5

PA [illegible] 7/6.

NNNN

LAST REF. (29)
NEXT REF.

Enter [illegible] 21/5

RESTRICTED

(35)

BRITISH HIGH COMMISSION

NEW DELHI

RECEIVED IN
REGISTRY No. 42
21 MAY 1970
NMA 4/359/1

18 May, 1970

[illegible] 21/5

A&T DEPT (Mr [illegible]) ARW
I think that you are concerned with this.

Dear Hinchcliffe,

Iraqi Air Services to London

In his letter (31) to you of 1 May Symons reported the concern of the BOAC representative in Baghdad about Iraqi cheating on the Delhi/Baghdad and Baghdad/London route.

2. We can confirm from our discussions with the BOAC representative in Delhi not only that there is cheating by the Iraqi Airways but that other Middle Eastern operators are involved as well. BOAC here are disturbed and Air India are even more so since they lose more revenue. Both BOAC and the Indians are trying to get hold of evidence in the form of passenger manifests since it is felt here that a comparison at least of the passport numbers ought to provide convincing evidence of unfair practices.

3. We should be very interested to hear what is the latest analysis in London of the extent of this problem. You will doubtless bear in mind in considering what action if any is to be taken that much of the traffic comprises immigrants to Britain, and any governmental approach would have to counter the possible reply that it was up to us to do our own dirty-work.

4. Meanwhile we understand that the Government of India are proposing new regulations, under existing legislation, which would aim at imposing a penalty of up to three months imprisonment or a fine of Rs. 1,000 or both. A draft of the new regulations has been sent to Air India and other branches of the Indian civil aviation network for comments as well as to foreign air transport companies, scheduled or not, operating to and through India. I enclose a copy of the new regulations.

5. I am copying this letter and its enclosure to Symons in Baghdad, Linstead in the Board of Trade, Sunderland in Beirut and Miss Solesby in South Asian Department.

Yours ever,

Andrew Burns

(R. A. Burns)

P.R.M. Hinchcliffe, Esq.,
Near Eastern Department,
F.C.O.
London, S.W.1.

[illegible] with main file when available
ARW 29/5

This has crossed with Mr Linstead's letter at folio 36, but I do not think it significantly alters the situation. BOAC seem content to take it all calmly – what the Indians do is really their affair.
for ARW 9/6.

RESTRICTED

LAST REF.	(31)
NEXT REF.	

35a

COPY

GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION

No: 9/37/69-IR New Delhi - 22 April 1970

To: The General Manager
Air India
Nirmal, 10th Floor,
241/242 Blackbay Reclamation
Nariman Point, Bombay 11

General Manager
Indian Airlines
'Airlines House'
Gurdwara Rakabganj Road
New Delhi

All foreign air transport companies
operating to and through India.

All non-scheduled air transport companies
operating to India.

All Flying Clubs

All Gliding Centres.

Subject: Proposed insertion of new rules 135, 135A, 135B and 135C to the Aircraft Rules, 1937 - Filing of Tariff showing fares, rates and charges.

Dear Sir,

A copy of the Government of India Ministry of Tourism and Civil Aviation Notification No.GSR (10-A/52-69) dated 26 March 1970 in respect of insertion of new rules 135, 135A, 135B and 135C to the Aircraft Rules 1937 is enclosed.

2 Any objections or suggestions to the said Rules may kindly be forwarded to this Department before 1st July, 1970.

Yours faithfully,

(B N Kacker)
for Director General of Civil Aviation

Encl: Notification.

GOVERNMENT OF INDIA
MINISTRY OF TOURISM & CIVIL AVIATION

New Delhi - 1 26 March, 1970

NOTIFICATION

GSR 595 The following draft of certain rules further to amend the Aircraft Rules, 1937, which the Central Government proposes to make, in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934), is hereby published, as required by section 14 of the said Act, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 1st July, 1970.

2 Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1 These rules may be called the Aircraft (......... Amendment) Rules, 1970.

2 In the Aircraft Rules, 1937 (hereinafter referred to as the said rules), after rule 134, the following rules shall be inserted, namely:-

"135. - Filing of tariff showing fares, rates and charges

(1) Every operator of an air transport service operating in accordance with rule 134 shall file with the Director-General a tariff showing fares, rates and charges in Indian currency for air transportation between points served by it and points served by any other operator when through service and through rates had been established.

(2) Such tariffs shall be filed at least one month in advance of their introduction and shall be published in such form and manner and contain such information as may be prescribed by the Director-General from time to time.

(3) The Director General may, for reasons to be recorded in writing reject and tariff so filed under this rule and any tariff so rejected shall be ineffective.

135A. Levy of fixed fares, rates and charges

(1) No operator shall charge or demand or collect or receive any greater or less or different compensation for air transportation or for any service connected therewith other than the approved fares, rates or charges.

(2) No operator shall, in any manner or by any device directly or indirectly or through any agent or broker or otherwise, refund or remit any portion of the approved fares, rates and charges or extend to any person any privilages or facilities with respect to matters required by the Director General, to be specified in tariffs under rule 135.

135B. Change in tariff of fares, rates and charges and production of records.

(1) No change shall be made in fares, rates and charges or in classification, rule, regulation or practice, affecting such fares, rates and charges or value of the service thereunder specified in any effective tariff except after previous approval by the Director General.

(2) An, application for such changes shall be made to the Director-General at least 90 days in advance.

(3) The Director-General may revise or disallow any changes.

(4) The revised tariff shall, after approval by the Director-General, be published in such form and manner as may be prescribed under rule 135.

(5) All or any of the records relating to tariff required to be maintained under these rules shall, on demand, by the Director-General or any of the officers authorised by him, by a general or special order, in writing, be produced for inspection.

135C. Appeal - Any operator of an air transport service aggrieved by an order of the Director-General under sub-rule (3) of rule 135 or under sub-rule (3) of rule 135B may, within a period of thirty days from the date of any such order, prefer an appeal to the Central Government and the decision of the Central Government on such appeal shall be final."

3 In Schedule VI to the said rules, after item 18-A, the following item shall be inserted, namely:-

Nature of offense	Relevant rule or rules.	Penalty
(1)	(2)	(3)
"18-B - Contravention of rules relating to riling of tariff showing fares, rates and charges; levy of fixed fares, rates and charges and change in tariff of fares; rates and charges and production of records thereof.	135, 135A and 135B	Imprisonment for a term not exceeding three months, or a fine not exceeding rupees one thousand or both. "

(F.No. 10-A/52-69)

Sd/- S N Kaul
UNDER SECRETARY TO THE GOVERNMENT OF INDIA

RESTRICTED
By F/Co Bag

BOARD OF TRADE

Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119 Telegrams: Civilair, London, Telex
Telephone: 01-836 1207, ext.

Enter + pa.
ARW 26/5

(36)

RECEIVED IN
REGISTRY No. 42
27 MAY 1970
MVA 4/359/1

Your reference:
Our reference: EB91/01

G R Sunderland, Esq
British Embassy
Beirut

21 May 1970

IRAQ

Your letter (33) to Symons of 11 May referring to his letter to Near Eastern Department of 1 May.

Sixth freedom operations with or without rate-cutting are, of course, endemic in the Middle East and Iraq Airways is not the only airline indulging in the practice. BOAC HQ are not unduly worried at the volume of Iraq Airways' operations, but they are keeping an eye on the situation.

As you correctly surmised, we are not anxious to hold negotiations with the Iraqis at the moment, and are willing to leave the running to them.

I can confirm incidentally that Iraqi Airways are now opérating a once weekly service through Schonefeld to London.

S G LINSTEAD

c.c. G H Symons - Baghdad - By Bag
A & T Department - FCO

LAST REF.	(33)
NEXT REF.	

CONFIDENTIAL

(87)

Miss Spencer.

You should see this before you sign off the draft on the UK/Iraq file.

AP 22/5

Minute & dft reply. R 29.5

BRITISH EMBASSY,
BONN.

19 May, 1970.

RECEIVED IN
REGISTRY No. 42
MAY 1970

MUA 4/359/1

Dear Wilson,

Iraqi Flights through Schoenefeld

Clearly it would be useful to issue some kind of admonition to the Iraqis on the lines set out in your (22) letter of 22 April, but the instruments at our disposal are weak and confer very little effective authority. We could invoke the original quadripartite agreements, whereby details of all flights into and out of the Berlin Air Control Zone have to be passed to the Berlin Air Safety Centre, and demand that the Iraqi flight plan filed at the departure airport for the leg to Schoenefeld should be repeated with other flight information to BASC. If the Iraqis failed to comply they would certainly not be prevented from landing at Schoenefeld, and I think it unlikely that we, or the Danes or Turks, would impose sanctions on landings at London, Copenhagen or Istanbul in retaliation. It is a fact that BASC are not notified of any flights operating through Schoenefeld except those of Polish LOT when they are working through the corridors.

2. A gentle injunction might be made to the Iraqis to "observe the appropriate air traffic control procedures", but they would probably seek amplification in the East German equivalent of the "Air Pilot", in which they would be instructed to file a flight plan at Schoenefeld. We should be doing ourselves no service by this. The only helpful authority for the area is the West German "Luftfahrtbuch Deutschland" which says that "Berlin Control" (i.e. BARTCC), is responsible for control of all aircraft flying in the Berlin Control Zone. Here again, Polish LOT are the only people, apart from the Allied airlines, who regularly provide flight information to BARTCC. The Iraqis could question the

/ relevance

Ja. Arew 1/6.

A. R. Wilson, Esq.,
Aviation and Telecommunications Department,
Foreign and Commonwealth Office,
London, S.W. 1.

LAST REF.	(22)
NEXT REF.	(38)

CONFIDENTIAL

relevance of a Federal German publication to an East German airfield, and, as DDR influence is probably propelling them into these routes, we may assume that they will deploy these and other similar arguments. We could offer various other forms of words, but none credible in a practical sense. If they are not observed by the Iraqis, and we cannot exercise compulsion, the value of the gesture vis-à-vis the Germans, which is your main concern, is so small as to defeat its purpose by exposing the weakness of our position. We seem to be under no pressure to make it, and it would be unlikely to mitigate in their eyes the fact of the existence of the agreement.

3. The foregoing assumes that you wish to preserve this agreement, and not circumvent it by use of technicalities. If you foresee circumstances in which you might wish to prevent its implementation, then of course there could be advantage in "banking" an injunction now against some later contingency, although the longer it were left uninvoked the less credible it would become.

4. My final thought is that it might be prudent to avoid offering comment of any kind until the questions raised in Patrick Grattan's letter of 6 May to Rosemary Spencer (5/11) have been resolved. You will probably have seen a copy by now.

Yours Alex Mineeff.

(A. K. Mineeff)

c.c. P. R. Metcalfe, Esq.,
Berlin.

P. H. Grattan, Esq.,
UKDel NATO.

D. G. Hyde, Esq.,
B. O. T.

S. G. Linstead, Esq.,
B. O. T.

㊳

CONFIDENTIAL

Western European Department,
Foreign and Commonwealth Office
London S.W.1

29 May, 1970.

(MUA 4/359/1)

Iraqi Airways Flights via Schönefeld

Thank you for your letter ㊲ of 19 May to Sandy Wilson about our suggestion that Iraqi Airways should be notified that they should adhere to the proper BASC procedures when flying via Schönefeld en route to Copenhagen and London.

2. We take your point that it would be difficult to enforce such procedures. Nevertheless, we still think that it would be useful for the Board of Trade to put down a marker with Iraqi Airways stating that we would expect them to observe the appropriate air traffic control procedures and provide flight information to BARTCC and the BASC (in the same way as Polish LOT). You mention that LOT are the only non-Allied airline to provide information to BARTCC and BASC on a regular basis; it seems to us reasonable to use them as a precedent, since they were until April the only airline to operate scheduled services between Schönefeld and London. In our view, it would in any case be useful to have on the record a notification in these terms to Iraqi Airways, both in order to preserve our formal position in relation to the BASC procedures (whatever the Communist airline may have failed to do in the past, our view remains that BASC rules of procedure require prior notification by all aircraft entering the Berlin Control Zone), and to keep in reserve in case any difficulties should arise with the Iraqis over the air services agreement. We would not seek actively to enforce these procedures, though we might suggest that we would draw appropriate conclusions if Iraqi Airways failed to comply. ㊴

-- 3. I enclose a copy of a reply I am sending to Patrick Grattan's letter of 6 May, about our attitude to the general question of ㉜ Iraqi flights via Schönefeld.

LAST REF.	㊲ ㊴ ㉜
NEXT REF.	

Ju. Arew 1/6.

(Miss) (R. J. Spencer)

A. K. Mineeff, Esq.,
Bonn.

/cc.

CONFIDENTIAL

c.c. D. L. N. Goodchild, Esq., Berlin. (+ encl.)
P. H. Grattan, Esq., U.K. Delegation to N.A.T.O.,
D. G. Hyde, Esq., Board of Trade. (+ encl.)
S. G. Linstead, Esq., Board of Trade. (+ encl.)

(39)

CONFIDENTIAL

Western European Department,
Foreign and Commonwealth Office
London S.W.1

29 May, 1970.

(MUA 4/359/1)

Iraqi Airways Flights via Schönefeld

Thank you for your letter (32) (5/11) of 6 May about the Greek Representative's report to the Political Committee of an approach from Iraqi Airways about landing rights at Athens for a scheduled service to Schönefeld and Copenhagen.

2. You should know that in February Iraqi Airways submitted their summer schedules to the Board of Trade (these took effect on 1 April). The schedules include a once weekly flight on the route Baghdad - Istanbul - Prague - Schönefeld - London. We did not feel able to withhold our approval and this was given on 26 March by the aeronautical authorities concerned. We are not therefore in a position to try to discourage the Greeks from allowing Iraqi Airways to operate a service via Athens including a stop at Schönefeld and you should leave it to your French, American and German colleagues to make any discouraging noises.

(Miss) (R. J. Spencer)

P. H. Grattan, Esq.,
U.K. Delegation to N.A.T.O.,
Brussels.

c.c.
A K [illegible]
~~N. P. Bayne~~, Esq., Bonn.
D.L.N. Goodchild, Esq., Berlin.
S. G. Linstead, Esq., Board of Trade.
D G Hyde Esq BoT

with copies of Mr. Grattan's letter under ref.

CONFIDENTIAL

LAST REF. (32)
NEXT (38)

RESTRICTED

40

BRITISH EMBASSY

BAGHDAD

RECEIVED IN
REGISTRY No. 42
-8 JUN 1970
MUA4/359/1

21/10

30 May 1970.

33

Please refer to your letter 21/3 of 11 May in which you asked about the fate of the D.G. of Civil Aviation, Abdul Haq al-Ajeeli. According to our latest information the committee of enquiry has exonerated Abdul Haq of all responsibility for the troubles at the new airport; he is not in prison, nevertheless he has not yet been reinstated in his post. Much has been made in the press here of alleged negligence in the construction of the new airport and we fear that the authorities will be forced to make a scapegoat of someone or other. Meanwhile, the Assistant D.G. of Civil Aviation, Ibrahim Aboud, is acting as D.G. He is, not surprisingly, unwilling to take any initiative and we think it unlikely that the D.G.C.A. will make any move to open the negotiations on the Air Services Agreement for the present.

33

pc: ARW 9/6

(J.H. Symons)

G.R. Sunderland Esq.,
British Embassy,
Beirut.

Copied to:
S.G. Linstead,
CA2 (2), BOT.
Aviation &
Telecommunications Dept

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A4F

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(41)

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RECEIVED IN REGISTRY No. 13
RECEIVED IN REGISTRY No. 42
- 5 JUN 1970
- 8 JUN 1970
MUA4/359/1

CYPHER CAT A
PRIORITY UKDEL NATO
TELEGRAM NUMBER 334

TO FOREIGN AND COMMONWEALTH OFFICE
4 JUNE 1970

CONFIDENTIAL.

ADDRESSED TO F C O TELEGRAM NUMBER 334 OF 4 JUNE REPEATED FOR INFORMATION TO BONN.

(39)

MISS SPENCER'S LETTER OF 29 MAY TO GRATTAN : IRAQI AIRWAYS FLIGHT TO SCHONEFELD.

WE SHALL HAVE TO INFORM THE POLITICAL COMMITTEE OF THIS DEVELOPMENT AND PROPOSE TO DO SO AT ITS NEXT MEETING ON 9 JUNE.

2. AT THE POLITICAL COMMITTEE MEETING ON 2 JUNE, THE TURKISH REPRESENTATIVE SAID THAT THE TURKISH-IRAQI CIVIL AVIATION AGREEMENT EAS SO DRAFTED AS TO PERMIT STOPS AT SCHONEFELD AND THAT THE SCHEDULED FLIGHT FROM BAGHDAD TO COPENHAGEN VIA ISTANBUL STOPPED THERE.

F C O PLEASE PASS PRIORITY TO BONN.

MR. PEMBERTON-PIGOTT

/REPEATED AS REQUESTED/

F I L E S
W.E.D.
W.O.D.
A. & T.D.
N.E.D.

pa. Arw 9/6.

LAST REF.	(39)
NEXT REF.	(42)

CONFIDENTIAL

NNNNN

A&T.

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RECEIVED IN
REGISTRY No. 42
JUN 1970

MUA4/359/1

(42)

CYPHER CAT A CONFIDENTIAL

''TIME FACTOR'' TO REACH FCO AND UKDEL NATO 0930 HOURS 8 JUNE.

... PRIORITY BONN TO FOREIGN AND COMMONWEALTH OFFICE.
TEL NO 660. 6 JUNE 1970.

CONFIDENTIAL.

ADDRESSED TO FCO TEL NO 660 OF 6 JUNE 1970 RFI PRIORITY TO UKDEL NATO AND BERLIN.

UKDEL NATO TEL NO 334 (41) OF 4 JUNE TO FCO AND TELEPHONE CONVERSATION MISS SPENCER/MINEEFF:

- IRAQI AIRWAY SERVICE VIA SCHOENEFELD.-

UKDEL NATO MAY WISH TO BE AWARE OF THE REACTION OF OUR BONN GROUP COLLEAGUES TO OUR INITIAL NOTIFICATION AND OF OUR RESPONSE (MY TEL 334 (16) TO FCO OF 24 MARCH REPEATED SAVING TO UKDEL NATO).

2. THEY MAY ALSO LIKE TO KNOW THAT THE FRG TRIED TO IMPOSE SANCTIONS ON THE IRAQIS IN NOVEMBER 1968, AND HAD TO CALL THEM OFF BECAUSE OF IRAQI COUNTER ACTION.

FCO PASS PRIORITY TO UKDEL NATO.

SIR ROGER JACKLING.

[REPEATED AS REQUESTED]

FILES
W.E.D.
W.O.D.
AV. & TEL.DEPT
N.E.D. 1152Z

Reply sent by Miss Spencer (W.E.D.)

CONFIDENTIAL

P.A. Acw 9/6.

LAST REF.	(41) (16)
NEXT REF.	

㊸

CONFIDENTIAL

TOP COPY

CYPHER CAT/A

IMMEDIATE FOREIGN AND COMMONWEALTH OFFICE TO UKDEL NATO

TELEGRAM NUMBER 200 8 JUNE 1970 (A. & T.D.)

MUA4/359/1

CONFIDENTIAL

ADDRESSED TO UKDEL NATO

TELEGRAM NUMBER 200 OF 8 JUNE REPEATED FOR INFORMATION TO BONN. BERLIN.

YOUR TELEGRAM NUMBER 334 ㊶, BONN TELEGRAM NUMBER 660 ㊷ AND TELEPHONE CONVERSATION MISS SPENCER/WILCOCK: IRAQI AIRWAYS SERVICE VIA SCHOENEFELD.

WE AGREE ACTION PROPOSED IN PARA 1 OF YOUR TELEGRAM UNDER REFERENCE.

2. AS AGREED ON THE TELEPHONE YOU SHOULD SPEAK BRIEFLY AND IN A LOW KEY, DRAWING ON THE FIRST 3 SENTENCES OF PARA 2 OF MISS SPENCER'S LETTER OF 29 MAY TO GRATTAN, AND MAKING IT CLEAR THAT IT WAS BECAUSE OF THE TERMS OF THE IRAQIS OPERATING PERMIT THAT WE DID NOT FEEL ABLE TO WITHHOLD OUR APPROVAL.

STEWART

FILES
A. & T.D.
W.E.D.
W.O.D.
N.E.D.

CONFIDENTIAL

LAST REF.	㊶ ㊷
NEXT REF.	

CONFIDENTIAL

44

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RECEIVED IN
REGISTRY No. 42
10 JUN 1970
WUA 4/359/1

CYPHER CAT A

ROUTINE UKDEL NATO
TELEGRAM NUMBER 340

FOREIGN AND COMMONWEALTH OFICE
9 JUNE 1970

CONFIDENTIAL

ADDRESSED TO FCO TELNO 340 OF 9 JUNE 1970 REPEATED FOR INFORMATION TO BONN: BERLIN.

YOUR TELEGRAM NO. 200: 43 IRAQI AIRWAYS SERVICE VIA SCHONEFELD.

HEAD OF CHANCERY SPOKE AS INSTRUCTED IN THE POLITICAL COMMITTEE TODAY 9 JUNE. THERE WAS NO COMMENT.

FCO PLEASE PASS TO BONN: BERLIN.

MR. PEMBERTON-PIGOTT

[REPEATED AS REQUESTED]

FILES

A.T.D.
W.E.D.
W.O.D.
N.E.D.
MR. GALLAGHER

CONFIDENTIAL

LAST REF. 43
NEXT REF.

(MUA 4/359/1)

Mr Wilson Ackw. 22/6.
Mr Cromartie o.r.

(45)

Mr. Gallagher

Rights at Schönefeld

A number of our Air Services Agreements include rights under the Route Schedule to "points in Germany" or "points in
G Europe" (for the full list, see folio W/7 of AMT 3/2/193/1, to which the Soviet Union should now be added). This has on occasions caused us some embarrassment (e.g. in the Bonn Group) when airlines have tabled a request to operate through Schönefeld. In particular, we have recently been placed in a difficult position over Iraqi Airways flights to London via Schönefeld.

2. After the recent exchanges with Bonn over this service, you asked the Department to look into the possibility of tightening up future Air Services Agreements in such a way as to avoid the inclusion of "points in Germany" or "points in
A Europe" (see Mr. Cromartie's minute of 25 March at folio 17).

3. This question was raised in 1968 with the Board of Trade
B in Miss Brown's letter to Mr. Draper of 24 June, 1968 (AMT 3/2/193/1 folio 10), in which she asked:-

(i) whether it would be possible to get the wording in Air Services Agreements granting rights in Germany "either deleted or modified to such an extent as to exclude the possibility of any other airlines stopping in East Germany en route to London".

LAST REF.	AMT 3/2/193/1, (W7)(10) (17)
NEXT REF.	

/(ii)

(ii)that in future negotiations the use of such phrases should be avoided; we should always be consulted before such phrases are included; and we should prefer the use of phrases such as "points in Germany/Europe to be agreed".

C 4. Mr. Le Goy's reply on 22 August, 1968 (folio 13) was much as expected. He stated that we were of course always consulted when negotiating new agreements. He stressed, however, that we could put ourselves at considerable disadvantage at negotiations if we had to restrict our freedom to grant such unrestricted rights. "Any UK attitude in adopting unusual language in such instances so as to carve out East Berlin or East Germany would be conspicuous and an invitation to other parties to extract negotiating advantage from it."

5. Western European Department and Mr. Chamberlain then agreed with Miss Brown that we should not try to press the Board of Trade to be more forthcoming on restricting themselves in

D principle from using such phrases (see minutes at folio W13).

E Mr. White wrote to Mr. Gladstone in Bonn saying that, as the Board of Trade always consult us before agreeing to any amendments to route schedules, we should normally be able to seek Bonn's views in advance if there were any likelihood of these phrases being used.

/6.

6. The matter now rests there and I do not think that we should achieve anything by returning to the attack on this point. Since the trend of developments since 1968 has been towards a more liberal policy over East Germany and since we should be less open to criticism once the FRG/USSR Air Services Agreement is concluded, which will give Aeroflot some rights at Schönefeld and Lufthansa the eventual prospect of rights at Tegel, we can reasonably hope that the Iraqi case will prove the last that exposes us to serious embarrassment. Nevertheless, we should continue to be on guard against the inclusion of the formulae "points in Europe/Germany" in ASA's with countries which are likely to have an interest in flying via Schönefeld. The Board of Trade have agreed to press the Iraqis at the next round of talks, in the context of a general re-negotiation of the routes, to agree to relinquish their rights via Schönefeld to London (see paragraph 2(a) of
F Mr. Wilson's letter to Mr. Mineeff in Bonn at folio 24).

7. It has been agreed to circulate a minute on this subject to all members of the Department which will be brought up
N annually (see Mr. Wilson's minute at folio 30). This should ensure that great care is taken in the future before phrases such as "points in Europe" are included in future ASA's. Despite Mr. Le Goy's reply of 22 August (c), the Board of Trade maintained at a recent briefing meeting before the UK/Bulgaria negotiations that as a matter of policy they always use the

/"points

"points to be agreed" formula.

8. Western European Department concur.

(R. Hanbury-Tenison)
Aviation & Telecommunications Department
16 June, 1970

I agree that there is no point in pursuing this as a general issue. We should:-

(a) maintain pressure on the Board of Trade to ensure that the Iraqis relinquish their rights at Schönefeld, perhaps in return for a commercially attractive intermediate point in Western Europe (? Frankfurt);

(b) deal with the problem ad hoc in connection with future agreements or the general renegotiation of existing ones.

JH Gallagher 16/6.

CONFIDENTIAL Envé

(46)

BRITISH EMBASSY,
BONN.

26 June, 1970.

RECEIVED IN
REGISTRY No. 13
- 2 JUL 1970
MUA 4/359/1

Dear Rosemary.

Iraqi Airways and Schönefeld

This question was given another gallop at a quadripartite meeting on 25 June. Van Well professed pained surprise at having now learned that the Iraqis had been granted full traffic rights between Schönefeld and London. We pointed out that the German Embassy in London had been in possession of this information since 20 April (Wilson's letter to me of 22 April), and that Brautigam had been so informed in late March; surprise seemed to have come late. We then went on to conduct a defence of sorts on the lines of our previous argumentation (Bonn tel. no. 334). 4.

2. Van Well, seconded by Dean, (the French said nothing throughout) expressed concern at the effect of this development on the Aeroflot/Lufthansa negotiations, and indeed at the effect it might have on the status of the corridors. The Russians would now never accept any attempt to circumscribe their routes from Schönefeld to the FRG. Moreover, the position of Schönefeld would materially be improved. We conceded that a principle had been breached, but one aircraft a week on the route was unlikely to have such a far-reaching consequences, and as far as we were concerned the line would be maintained there. We furthermore held out prospects of efforts to recover this ground in future negotiations with the Iraqis. In the meantime any attempt by us to break the agreement on technicalities, as we had been urged to do, would destroy credibility in any air agreement we might join, and this could have its affect upon undertakings we might enter, for example in connection with Aeroflot/Lufthansa.

LAST REF. ~~13.~~ (5) There, for

pa ARW 3/7

Miss R. J. Spencer,
Western European Department,
Foreign and Commonwealth Office,
London, S.W.1.

CONFIDENTIAL

3. There, for the moment, the matter rests. I fear that we shall be put in the dock again when news of any further grant of such rights by NATO members dawns upon the Bonn Group, as foreshadowed in Patrick Grattan's letter to you of 6 May, 1970. It would be useful for us to be kept posted on the progress of any negotiations with the Iraqis which might lead to the removal of this irritant.

4. In your letter of 29 May (58) (MUA 4/359/1) you returned to the question of a form of admonition to the Iraqis about observing air traffic control procedures in the Berlin Control Zone. I have discussed this with our Civil Air Attache, and we believe that the most that we can say is that we expect Iraqi Airways "to observe the appropriate air traffic control procedures". There will be no advantage in relating this request to Polish LOT, because LOT only provide information when they fly through the corridors, not when they are merely operating in and out of Schönefeld. It would also be imprudent to say where we expect the " appropriate air traffic control procedures" to be observed, because this might invite an Iraqi question as to what jurisdiction we have over Schönefeld. If this question is to be answered, then it should not be in this particular exchange.

Yours
Alex

(A. K. Mineeff)

Copied to: J.D.N. Hartland-Swann, Esq.,
British Military Government,
BERLIN.

P.H. Grattan, Esq.,
UKDEL NATO,
BRUSSELS.

A.R. Wilson, Esq.,
Aviation and Telecommunications Dept.,
Foreign and Commonwealth Office.

D.G. Hyde, Esq.,
Civil Aviation Division 2,
Board of Trade,
Shell Mex House,
Strand, W.C.2.

CONFIDENTIAL

Files sent for 3/7.

1. Enter
2. Please obtain files containing Notes of 1957 from Library.
3. Re-submit.

ARW
2/7.

BRITISH EMBASSY,
BONN.

30 June, 1970.

(47)

RECEIVED IN
REGISTRY No.42
-3 JUL 1970
MUA 4/359/1

Dear Wilson,

(46)

Iraqi Airways and Schoenefeld

You will have seen from my letter of 26 June to Rosemary Spencer that this question is still with us. We have based our defence hitherto upon the extremely useful letter you sent me on 15 April, but we are facing some keen legal minds on the German side. We would find it useful to have at hand the 1957 Exchange of Notes, and the 1968 Temporary Operating Permit; I should be grateful if you could furnish copies.

2. On the last point we have tried to discover how elastic a temporary operating permit is; what in fact is the strength of the word "temporary". We have only succeeded in obtaining answers which even our Civil Air Attaché finds not very helpful to our purpose. Can you give us any information on this, for example in meeting arguments put by our colleagues that temporary permits should be easy to cancel?

Yours Alex Mineeff

(A. K. Mineeff)

See (55) pa

A. R. Wilson, Esq.,
Aviation and Telecommunications Department,
Foreign and Commonwealth Office,
LONDON, S.W. 1.

c.c. P. H. Grattan, Esq., UKDel NATO.

J. D. N. Hartland-Swann, Esq.,
Berlin.

Miss A. J. K. Bailes, F.C.O.

CONFIDENTIAL

MVA 4/359/1

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48

RECEIVED IN
REGISTRY No. 42
-6 JUL 1970
MVA 4 359 1

CONFIDENTIAL

United Kingdom Delegation to NATO,

1110 Brussels.

POL 5/11

30 June 1970

Dear Rosemary,

Iraqi Airways Flights to Schonefeld

A member of the Turkish Delegation called on Patrick Grattan on 26 June. He said that Iraqi Airways were proposing a new service which included Istanbul and East Berlin. The Iraqi-Turkish agreement did not specify East Germany but mentioned only intermediary points. The Turkish authorities were considering whether to accept new flight schedules which specifically mentioned East Berlin. In this context they were interested in the British situation, and in particular 44 the statement which Alan Davidson had made in the Political Committee on 9 June, (our telegram No. 340) that we had not felt able to refuse an Iraqi notification of a new flight schedule which included East Berlin.

2. Grattan said that as he understood it the U.K./Iraqi agreement did not refer to East Germany, but only to intermediary points, and that it was for this reason that we had not been able to refuse the Iraqi notification. He thought that the U.K. position was similar to the Turkish. (I see from paragraph 6 of your telegram 9 No. 171 to Bonn that the agreement in fact refers to "a point in Germany".)

3. Perhaps you could let me know if there is anything further you wish us to say to Turks.

Yours ever,

Christopher

(C.C. Wilcock)

Miss R.J. Spencer,
W.E.D.,
Foreign and Commonwealth Office,
London, S.W.1.

RECEIVED IN
REGISTRY No. 13
-2 JUL 1970
A & T Dept.

c.c. A.K. Mineef, Esq., Bonn

P.R. Metcalfe, Esq., Berlin.

CONFIDENTIAL

Reference.......... w 48

Miss Macglashan. W.E.D.

Iraqi Airways flights to Schönefeld.

Please refer to the two letters to Miss Spencer from Mr Mniceff and Mr Wilcock at folios 46 and 48 respectively. I do not think that anything need be sent in reply to the ~~former~~ latter; nor are any comments called for on the first 3 paras of the former.

2. However, I should be grateful ~~of~~ for an indication of how you think we should proceed on para. 4 of Mr Mniceff's letter. Previous correspondence is at folios 27, 37 and 58.

3. You may also wish to see, for background information, the submission at folio 45, setting out the whole problem of Iraqi flights at Schönefeld.

4. I am still ~~[illegible]~~ waiting for the papers referred to in Mr Mniceff's letter to me of 30 June. (folio 47). I shall clear my reply with you in due course.

A R Wilson.
7/7.

Mr Wiggin

Agree (see further minute on)

Do the Iraqis use the corridors after take-off take off from Schönefeld? If so this is exactly the Polish case & there is everything to be said for referring to it.

M E MacGlashan
12/7

Miss MacGlashan (W.E.D.)

Iraqi Airways do not use the corridor; their route is ... Schönefeld - *Copenhagen - *Hamburg - *Amsterdam - London (without traffic rights at those points asterisked.

A E Wilson.
14/7.

Then I think we can accept Mr. Mniceff's formulation. It's not perfect but at least it can be represented as putting our formal position on record.

M E MacGlashan
14/7

CYPHER

NO DISTRIBUTION

49

Enter & pa.

Copy to Mr Hinchcliffe (NED)

OUT TO DOHA TELNO ALLOT 7 OF 15/7 CYPHER/CAT A UNIT 10 WHAYMAN

17/7

IMMEDIATE

RECEIVED IN
REGISTRY No. 42
17 JUL 1970

MUA 4/359/1

4 Xerox -

A - TD 3
Aradian
M^c Gallagher

CYPHER/CAT A

IMMEDIATE BOARD OF TRADE — TO DOHA

TELEGRAM NUMBER ALLOT 7 — 15 JULY 1970

CONFIDENTIAL

ADDRESSED TO DOHA TELEGRAM NUMBER ALLOT 7 OF 15 JULY REPEATED FOR INFORMATION TO RESIDENCY BAHRAIN, BEIRUT, BAGHDAD AND SAVING TO ABU DHABI, DUBAI, AGENCY BAHRAIN.

IRAQ AIRWAYS HAVE REQUESTED PERMISSION TO OPERATE ONCE WEEKLY FREIGHTER FLIGHT BAGHDAD-BAHRAIN-DOHA WITH ANTONOV 12 AIRCRAFT FROM 22 JULY. THEY DO NOT HAVE RIGHTS FOR THIS ROUTE UNDER AIR SERVICES AGREEMENT. SIMILAR REQUESTS FOR ADDITIONAL RIGHTS HAVE BEEN REFUSED IN THE PAST.

IN VIEW OF IMBALANCE OF BILATERAL AND PENDING NEGOTIATIONS WE ARE NOT PREPARED TO ENTERTAIN IRAQ REQUEST.

GRATEFUL ANY COMMENTS BY FRIDAY NOON GMT SINCE REPLY MUST BE SENT TO IRAQ BY CLOSE OF PLAY THAT DAY.

(BAHRAIN RESIDENCY PASS SAVING TO ABU DHABI, DUBAI AND AGENCY).

Enter + p.a.
ARW

(50)

CYPHER CAT A   CONFIDENTIAL

IMMEDIATE DOHA   TO BOARD OF TRADE (CIV AVIA DEPT)

TELEGRAM NO. ALLOT 4   16 JULY 1970

RECEIVED IN
REGISTRY No. 42
17 JUL 1970

MVA [illegible] | 359 | 1

CONFIDENTIAL

ADDRESSED TO BOARD OF TRADE TELNO. ALLOT 4 OF 16/7 RFI TO RESIDENCY AND AGENCY BAHRAIN, BEIRUT (CAA), FCO AND BAGHDAD, AND SAVING TO ABU DHABI AND DUBAI.

(49) YOUR TELNO. ALLOT 7 OF 15/7.

IRAQ AIRWAYS LANDING RIGHTS.

DEPUTY RULER WOULD I AM SURE ACCEPT OUR DECISION TO REFUSE THIS REQUEST AND (PRIVATELY) WOULD ENDORSE IT.

FCO PASS IMMEDIATE BOT

MR. MANSLEY

ALLOT DISTRIBUTION
A. & T.D.
ARAB DEPT.

CONFIDENTIAL

The BoT. are informing the Iraqis that permission is not granted. Arabian Dept (Mr Holding) and Mr Hinchcliffe (N.E.D.) have no objection

p.a. ARW 17/7

Enter ap.

ACW 20/7

(51)

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TELEGRAM

RECEIVED IN F.O. BY TELEPRINTER AT .... GMT

~~Mr Walton~~

~~Mr~~ AR Wilson

A & T D.

RECEIVED IN REGISTRY No. 42
20 JUL 1970
MVA 4/359 | 1

~~PRODROME LONDON~~

~~BOT CA01/47~~

ROUTINE 171645Z JULY

FM CIVILAIR LONDON

TO AR WILSON FCO AMT DEPT

GRS 25 BT

FOLLOWING SENT TO POLITICAL DOHA DUBAI ABUDHABI PRODROME BAHRAIN BAGHDAD CIVATT BEIRUT

ALLOT 8 DOHA ALLOT 4 REQUEST REFUSED TODAY

(50)

BT

GRS 25

NNNN

PRODROME LONDONO

AVIATION & TELECOMMUNICATIONS DEPT.

Foreign and Commonwealth Office
London S.W.1

52

CONFIDENTIAL

MUA 4/359/1

21 July 1970

Iraqi Airways flights to Schönefeld 46

Please refer to Mineeff's letter of 26 June to Miss Spencer in Western European Department which was copied to Derek Hyde.

2. In paragraph 4 he returns to the question of what we should say to Iraqi Airways about observing air traffic control procedures in the Berlin control zone. I think you will have seen previous correspondence on the subject and I assume that you have no objection in principle in writing to the Iraqis along the lines now suggested by Mineeff. We agree with him that we have no alternative to keeping this admonition to the Iraqis as formal and brief as possible even though this means that it will have little practical significance We ought to have at least this formal marker down with the Iraqis.

3. I should be grateful therefore if you could write to the Iraqis along these lines. I should also be grateful in due course for a copy of your letter.

(A.R. Wilson)

LAST REF. 46
NEXT REF. 56

S.G. Linstead, Esq.,
C.A.2,
Board of Trade,
Shell Mex House.

CONFIDENTIAL

~~Possible Dup~~ B 438

(53)

B.O.T./C.A.
20 JUL 1970
TELECOMMUNICATIONS
OFFICE
THE ADELPHI

O
EGGA A LONDON EGGG CROYDON
D EGGAYA OBBIYA
2 910 ORBBYA
ATC/657
CA/41/4952
ATT BOARD OF TRADE/LONDON

Baghdad/Bahrain

TR485 ROT TR466 REQUEST PERMISSION IRAQI AIRWAYS TO OPERATE FREIGHTER FLIGHT A/C AN12 SECTOR BGI/BAH/BGI ONLY EVERY WEDNESDAY WITH EFFECT FROM 22JULY BGI DEP 0100 BAH 0300 DEP 0400 FOR BAGHDAD STOP RUSH ADVISE STOP REGARDS

per AHW
21/7

NNNN R EGGA

[Dup A+T Dept]

TOP COPY

Enter & [illegible]
ARW
21/7

R124

(54)

TELEGRAM
RECEIVED IN F.O. BY TELEPRINTER AT 1646 GMT

O

PRODROME LONDON V BOT/CA 003/20

FM CIVILAIR LONDON 201608Z

RECEIVED IN
REGISTRY No.42
[illegible] JUL 1970
MUA 9/359/1

TO PRODROME LONDON A R WILSON A AND T DEPT .

FLLG HAS BEEN SENT TO CIVILAIR BAGHDAD RFI CIVATT BEIRUT ALLOT 66
PRODROME BAHRAIN
YOUR TR485. NO OBJECTION TO IRAQ AIRWAYS FREIGHT FLIGHT BGI/BAH BGI
EVERY WEDNESDAY FROM 22 JULY .

201608Z

NNNN

DY[illegible]JYMN
PRODROME LONDON

Aviation and Telecommunications Department

Foreign and Commonwealth Office
London S.W.1

~~57~~ (58)

CONFIDENTIAL

Desp'd with enclosed docs 6/8/70

(MUA 4/359/1)

6 August 1970

(47)

Iraqi Airways and Schönefeld

Thank you for your letter of 30 June in which you asked for copies of the 1957 Exchange of Notes and the 1968 Temporary
----- Operating Permit. I now enclose these.

(24)

2. In paragraph 3 of my letter of 15 April I referred to this exchange as "inconclusive". The point here is that the exchange was never completed in that we never acknowledged the Iraqi reply to our note verbale of 23 May 1957. Since the Iraqi Note of 3 July, 1957 was not simply an acceptance of the proposals in our Note but put forward some new proposals, it is possible to argue that this exchange did not constitute a binding agreement between the Parties. Nevertheless since we have, over a long period of time, permitted Iraqi Airways to serve a point in Germany we would have difficulty in arguing that they had not now acquired a legal right to do so.

3. In your second paragraph you raise the question of the definition of a "temporary" operating permit. The normal practice is for these temporary operating permits, issued by the Board of Trade, to be valid until revoked or suspended. You will see that this provision is specifically written into paragraph 3 of the permit for their Schönefeld route. The Board of Trade see the distinction between a temporary operating permit and a normal operating permit as lying in the ease with which they can be revoked. They argue that a temporary operating permit can be revoked at extremely short notice whereas a full operating permit requires longer notice. However, this distinction does not really hold water in this case. It is difficult to argue in legal terms that a temporary operating permit which had been in existence for more than two years can still be described as temporary.

4. However, I think it would be extremely inadvisable to get involved in a wrangle with the Germans or any one else about the definition of the word "temporary". You would be on much safer ground to continue to defend our case on the basis of my letter of 15 April.

(47)

Ms 12 NG

(A.R. Wilson)

A.K. Mineeff, Esq.,
British Embassy,
Bonn.

CONFIDENTIAL

BOARD OF TRADE (Civil Aviation)
CA 2.1
Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119 Telegrams: Civilair, London, Telex
Telephone: Temple Bar 1207, ext.

Your reference:
Our reference:

RECEIVED IN
ARCHIVES No. 3
23 MAY 1968
AVT3/2/193/1

LAST REF.	4
NEXT REF.	6

21 May, 1968

Dear Sirs,

In the light of the recent discussions and exchanges of telegrams (Iraq's TR 478 of 241200, UK's 081355, Iraq's TR 529, U.K's 291500, Iraq's TR 477 and U.K's 030959) on the subject of your summer schedules for 1968 and your plans to operate via Berlin (Schoenfeld), I have pleasure in enclosing Board of Trade Temporary Operating Permits for:

(a) the Iraqi Airways once-weekly service to London via Berlin (Schoenfeld);

(b) the Iraqi Airways once-weekly service to Doha;

from 1st May 1968.

2. As the Board of Trade has taken over responsibility for Civil Aviation matters from the Ministry of Aviation, I am taking this opportunity of also issuing a new Board of Trade Operating Permit for your operations under route 5 of the Agreement and the permit issued by the Ministry of Aviation in May 1962 is accordingly revoked.

3. Your attention is drawn to the conditions set out in the permits; these permits may, in particular, be suspended or revoked if any of the terms of the Agreement are not complied with.

Yours faithfully,

R. E. M. Le Goy

R. E. M. Le Goy

Iraqi Airways
188, Piccadilly
W.1

BOARD OF TRADE

TEMPORARY OPERATING PERMIT

In pursuance of Article 72 of the Air Navigation Order, 1966, the Board of Trade hereby give permission to

IRAQI AIRWAYS

to take on board and discharge passengers and cargo at London being passengers or cargo carried or to be carried for hire or reward on not more than one service~~(s)~~ a week in each direction on the route

BAGHDAD-ISTANBUL-PRAGUE-BERLIN(SCHOENFELD)-LONDON

2. This permit is granted subject to the following conditions:—

Passengers and cargo carried to or from Prague shall not be taken on board or discharged, as the case may be, at London unless the passengers and cargo are being carried as part of a through journey by Iraqi Airways between London and Istanbul or Baghdad and, as respects the passengers, they have not exercised stopover rights for more than 10 days in Prague.

3. This permit shall come into force on 1st May 1968 and ~~unless previously revoked or suspended~~ shall remain in force until revoked or suspended.

Signed this first day of May, 1968.

An Assistant Secretary of the
Board of Trade

(84316) (2) Dd. 47427 300 St.S.

BOARD OF TRADE

OPERATING PERMIT

In pursuance of Article 72 of the Air Navigation Order, 1966, the Board of Trade hereby grant permission to

IRAQI AIRWAYS

to take on board and discharge passengers and cargo (including mail) at the points in the United Kingdom specified in paragraph 2 hereof, being passengers or cargo carried or to be carried for hire or reward on the services specified in the said paragraph.

2. In accordance with Article 3 of the Air Services Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of IRAQ

signed at BAGHDAD on the 19th April, 1951
the Board of Trade hereby give permission to IRAQI AIRWAYS

being an air carrier designated by the Government of IRAQ

for route (5) of Section II of the Schedule

to operate air services on the said route which, as amended, is as follows:

1 Points in Iraqi territory	2 INTERMEDIATE points as desired	3 Terminal or traversing points in United Kingdom territory as desired
IRAQ	Damascus and/or Beirut and/or Cairo A point in Turkey Athens Malta and/or a point in Italy Vienna Frankfurt A point in Switzerland A point in France.	LONDON

The designated airline may on any or all flights omit calling at any of the above points, provided that the agreed services on this route begin at a point in Iraqi territory.

3. Amendments to the above route, whether made under Article 11 of the Agreement or otherwise may not be put into effect until this permit has been correspondingly amended.

4. This permit shall remain in force until suspended or revoked.

Signed this First day of May , 19 68

An Assistant Secretary of the
Board of Trade

(84309)(2) Dd. 47437 300 S.&S.

BOARD OF TRADE

TEMPORARY OPERATING PERMIT

The Board of Trade hereby give permission to

IRAQI AIRWAYS

to take on board and discharge passengers and cargo at DOHA being passengers or cargo carried or to be carried for hire or reward on not more than one service(s) a week in each direction on the route

BAGHDAD - BASRAH - KUWAIT - DOHA

~~2. This permit is granted subject to the following conditions:-~~

~~3~~2. This permit shall come into force on 1st MAY, 1968 and ~~unless previously revoked or suspended~~ shall remain in force until revoked or suspended.

Signed this FIRST day of MAY , 19 68

An Assistant Secretary of the
Board of Trade

(84510) (1) Dd. 47427 250 St.S.

COPY

No. 271

1382[illegible]/57

NOTE VERBALE

Her Britannic Majesty's Embassy present their compliments to the Ministry of Foreign Affairs and have the honour to refer to their Note Verbale No. 29 of the 15th of January, 1957, concerning amendment to Sections I and II of the Schedule annexed to the Agreement between the Government of Iraq and the Government of the United Kingdom for Air Services between and beyond their respective territories, signed at Bagdad on the 19th of April, 1951.

Her Majesty's Embassy would be grateful to learn whether the Government of Iraq are yet in a position to conclude a revised agreement on the lines of the drafts enclosed with the Note Verbale referred to above. In considering this matter the Government of Iraq may wish to amend Section II route 5 of the draft schedule so as to include "a point in Germany". This amendment would cover the operation of Iraqi Airways between Frankfurt and London on the present route Bagdad-Athens-Rome-Frankfurt-London. The call at Frankfurt is at present being made on the basis of temporary permission only.

Her Majesty's Embassy avail themselves of this opportunity to renew the expression of their highest consideration.

BRITISH EMBASSY,

BAGDAD.

May 23, 1957.

DRAFT

British Embassy,
Baghdad.

Your Excellency,

I have the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Iraq for air services between and beyond their respective territories, signed at Baghdad on the 19th of April, 1951, and to propose on behalf of the Government of the United Kingdom of Great Britain and Northern Ireland that the Schedule to that Agreement be amended to read as follows:-

In the English text:-

SECTION I

Routes to be operated by the Designated Airline or Airlines of the United Kingdom

1 Points in United Kingdom Territory.	2 Intermediate Points as desired.	3 Terminal or Traversing Points in Iraqi Territory as desired.	4 Any One or More of the Following as Traversing or Terminal Points as desired.
(1) London	A point in Germany, a point in Switzerland, Vienna and/or Rome (or Malta or Tripoli in North Africa), Athens, Istanbul (or Ankara), Cairo.	Basra	Bahrain, Karachi and beyond.
(2) London	A point in Germany, a point in Switzerland Vienna and/or Rome, Athens, Istanbul (or Ankara), Cyprus, Beirut (or Damascus).	Basra	Bahrain, Karachi and beyond.
(3) London	A point in Germany, a point in Switzerland, Vienna and/or Rome, Athens, Istanbul (or Ankara), Cyprus.	Baghdad	Kuwait, Bahrain, Karachi, then either: (a) Bombay and points beyond, or (b) Delhi, Calcutta, and points beyond.
(4) Cyprus		Baghdad	
(5) Bahrain ~~Kuwait~~ Kuwait		Basra	

The designated airline or airlines of the United Kingdom may on any or all flights omit calling at any of the above points, provided that the agreed services on these routes begin at a point in ~~the~~ United Kingdom territory.

/Section II

SECTION II

Routes to be Operated by the Designated Airline or Airlines of Iraq

1 Points in Iraqi Territory.	2 Intermediate points as desired.	3 Terminal or Traversing Points in United Kingdom Territory as desired.	4 Any One or More of the Following as Traversing or Terminal Points as desired.
(1) Iraq	Dhahran	Sharjah	Karachi and beyond
(2) Iraq		Kuwait	Abadan
(3) Iraq		Kuwait	Bahrain
(4) Iraq		Cyprus	
(5) Iraq	Damascus and/or Beirut and/or Cairo, a point in Turkey, Athens, Malta and/or a point in Italy, Vienna, a point in Switzerland, a point in France.	London	

The designated airline or airlines of Iraq may on any or all flights omit calling at any of the above points, provided that the agreed services on these routes begin at a point in Iraqi territory.

In the Arabic text:-

....

....

If this proposal is acceptable to the Government of the Kingdom of Iraq, I have the honour to suggest that the present Note and Your Excellency's reply in that sense should be regarded as constituting an Agreement between the two Governments in this matter which shall enter into force immediately.

Translation.

No. 497/464/101/22377.

Ministry of Foreign Affairs,
Economic and Consular Department,
Commercial Section,

Bagdad, July 3, 1957.

The Ministry of Foreign Affairs presents its compliments to Her Britannic Majesty's Embassy, Bagdad, and, with reference to the correspondence ending with the Embassy's note No. 271 of the 23rd of May, 1957, has the honour to state that the competent Iraqi authorities have agreed to carrying out the amendments contained in the Embassy's note No. 29 of the 15th of January, 1957, and its enclosures, namely, the drafts of the proposed amendments to the Schedule Annexed to the Air Agreement concluded between Iraq and the United Kingdom, provided that the routes on which air establishments determined by Iraq operate are amended as follows :-

1.	Iraq	Bahrain	Karachi and Bombay or New Delhi and beyond
2.	Iraq	Kuwait	Dhahran, Jedda, Khartum and beyond
3.	Iraq		Kuwait, Bahrain ✓
4.	Iraq		Cyprus ✓
5.	Iraq	Damascus and/or Beirut and/or Cairo, Istanbul or Ankara - Athens - Malta - and/or a point in Italy - Vienna - a point in Switzerland - a point in Germany - a point in France.	London

The Ministry avails itself of the opportunity to express its highest consideration and esteem.

Her Britannic Majesty's Embassy,

CONFIDENTIAL

Enter 26/8 NB

(56)

(57)

BOARD OF TRADE
Civil Aviation
Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119 Telegrams: Civilair, London, Telex
Telephone: 01-836 1207, ext.

Your reference:
Our reference: EB 91/01D

26 August 1970

RECEIVED IN
REGISTRY No. 42
26 AUG 1970
MWA 4/359/1

N H R A Broomfield Esq
A & T Dept
Foreign & Commonwealth Office
Gt George Street
S W 1

Dear Nigel

IRAQ/SCHOENEFELD (52)

In an undated letter of July 1970, Sandy Wilson suggested that I should write to Iraqi Airways and remind them that they should follow the correct air traffic control procedures in the Berlin Air Control zone.

It is accepted that our powers to oblige Iraqi Airways to inform BASC of details of their flights through Schoenefeld are extremely tenuous. Under the original quandripartite agreements details of all flights into and out of the Berlin Air Control Zone have to be passed to BASC, but in fact the only operations through Schoenefeld which are so notified are those of Polish LOT and then only when they are flying along the Corridors. As far as a gentle injunction to "observe the appropriate air traffic control procedures" is concerned, the interpretations which could be put on this have already been enumerated in Mineef's letter of 19 May. (37) Although the Iraqis might have considered a warning of this kind as harmless before they began operating, they would certainly question its relevance if we now made a specific point of writing to them: their immediate response could be to enquire whether they had not followed the correct procedures since they began operations in May and where their omissions lay. A public debate on our authority over Berlin airspace would appear to be undesirable in view of our doubts about the strength of our own position.

Although I can see the advantages in having put down with the Iraqis in May a formal marker on ATC procedures, I think that we should be playing on very dangerous ground to do so now. The Iraqis would realise that we should not impose any sanctions against them if they ignored our note, and with a little encouragement from the East Germans they could easily cause us considerable embarrassment.

I am copying this letter to Miss MacGlashan (West European Dept).

Yours ever
Stephen

S G Linstead

LAST REF.	(52)
NEXT REF.	Reply @ (57)

RESTRICTED

(57)

Aviation and Telecommunications Dept.,
Foreign and Commonwealth Office,
London, S.W.1.

MMA
([illegible] 4/359/1)

15 September, 1970

Iraq/Schoenefeld (56)

Thank you for your letter of 24 August and I am sorry that it has taken so long for me to reply.

2. We agree that it is now too late to write to the Iraqis and remind them that they should follow the correct air traffic control procedures in the Berlin air control zone. We would therefore not wish you to take any further action on this.

(N.R.H.A. Broomfield)

LAST REF.	(56)
NEXT REF.	

FA 15/9

S.G. Linstead, Esq.,
Board of Trade,
Civil Aviation 2,
Shell-Mex House.

RESTRICTED

TOP COPY

(58)

CYPHER CAT/A CONFIDENTIAL

PRIORITY BEIRUT

TO FOREIGN AND COMMONWEALTH OFFICE

PRIORITY BEIRUT TEL NO.80 TO BAGHDAD 1 DECEMBER 1970

RECEIVED IN
REGISTRY No. 42
DEC 1970

MWA4/359/1

CONFIDENTIAL 011000Z

ADDRESSED TO BAGHDAD TELEGRAM NO. 80 OF 011000Z DECEMBER REPEATED FOR INFORMATION TO F.C.O. AND D.T.I.

FROM SUNDERLAND CIVIL AIR ATTACHE.

IT IS POSSIBLE THAT DTI WILL SHORTLY WANT TO SUGGEST A REVIEW OF THE UK/IRAQ BILATERAL AIR SERVICES AGREEMENT. I SHOULD LIKE TO GIVE THEM AN UP TO DATE VIEW ON THE PROS AND CONS AND ON TIMING. SINCE I UNDERSTAND THERE HAVE BEEN SEVERAL IMPORTANT CHANGES RECENTLY (INCLUDING THE APPOINTMENT OF A NEW DGCA) IT SEEMS DESIRABLE THAT I SHOULD PAY A BRIEF VISIT. I AM FREE FROM NOW UNTIL 15 DECEMBER. IF YOU AGREE, PLEASE INDICATE WHEN WOULD BE MOST CONVENIENT.

F.C.O. PASS D.T.I.

MR EDDEN

[COPIES SENT TO D.T.I.]

LAST REF.

NEXT REF. (59)

FILES:
A. & T.D.
N.E.D.

&&&&&&

CONFIDENTIAL

D.T.I. are sending a telm. to say we don't want talks & suggesting Sunderland stays where he is.

P.A.
2.12.

584

NO DISTRIBUTION

A-TD (3)

PP BEIRUT RR BAGHDAD

RECEIVED IN
REGISTRY No. 42
-4 DEC 1970
AMA 4/359/1

Mr Gallagher

NED

CYPHER/CAT A
PRIORITY D.T.I.   TO BEIRUT
TELNO.ALLOT 98   3 DECEMBER 1970

CONFIDENTIAL. 031050Z.
ADDRESSED TO BEIRUT (FOR CAA) TELEGRAM NUMBER ALLOT 98 OF 3 DECEMBER REPEATED FOR INFORMATION TO BAGHDAD AND SAVING TO ABU DHABI.

58

YOUR TELNO.80 TO BAGHDAD OF 1 DECEMBER.
IT IS UNLIKELY THAT WE SHALL WISH TO RENEGOTIATE THE UK/IRAQ BILATERAL IN THE IMMEDIATE FUTURE, ALTHOUGH THERE ARE SOME OTHER PROMISING CANDIDATES IN THE AREA WHICH WE ARE CURRENTLY EXAMINING.

2. WE WOULD NOT IN PRINCIPLE OBJECT TO A VISIT TO BAGHDAD, PROVIDED THIS WAS TO THE EMBASSY ONLY AND DID NOT ATTRACT THE ATTENTION OF IRAQI OFFICIALS. GIVEN THE FACT THAT THE IRAQIS HAVE NOT YET TAKEN UP OUR OFFER OF CONSULTATIONS UNDER THE AGREEMENT CONCERNING RIGHTS AT ABU DHABI, A VISIT TO IRAQI OFFICIALS MIGHT PROMPT THEM TO RENEW THIS REQUEST, WHICH WOULD BE UNWELCOME AT THE PRESENT MOMENT.

DOUGLAS-HOME

Regy P.A. one copy on file.

9.12.

LAST REF.	58
NEXT REF.	

NNNN

59

CYPHER CAT/A RESTRICTED

PRIORITY BAGHDAD TO FOREIGN AND COMMONWEALTH OFFICE

PRIORITY BAGHDAD TELNO 148 TO BEIRUT 2 DECEMBER 1970

RESTRICTED 020840Z

RECEIVED IN
REGISTRY No. 42
DEC 1970
MUA 4/359/1

ADDRESS TO BEIRUT TELNO 148 OF 2/12 REPEATED FOR INFORMATION TO FCO AND DTI.

TOP COPY

FOR SUNDERLAND.
YOUR TELEGRAM NO. 80. 58

YOUR VISIT WILL BE WELCOME AT ANY TIME BEFORE 15 DECEMBER WHICH IS CONVENIENT FOR YOU. PLEASE INFORM ME OF YOUR PROPOSED DATES AS SOON AS POSSIBLE AND GIVE DETAILS OF APPOINTMENTS WHICH YOU WISH US TO MAKE IN ADVANCE.

FCO PASS D.T.I.

MR. BALFOUR PAUL

[COPIES SENT TO DTI]

FILES

A. & T.D.
N.E.D.

LAST PP 58

RESTRICTED

Mr Boulton (60)

3 Xerox

ADVANCE COPY

DTI (CAD) adelphi
ATD
NED

CYPHER

RECEIVED IN
REGISTRY No. 42
DEC 1970
NMA 4/359/1

Mr Gallagher

(allot)

FCO 794/E 89/04 LUF 94/04 IMMEDIATE F C O GR 120

CYPHER CAT/A
IMMEDIATE BEIRUT
TELEGRAM NO. ALLOT 120

TO DTI LONDON
4 DECEMBER 1970

CONFIDENTIAL 040935Z
ADDRESSED TO DTI LONDON TELEGRAM NO. ALLOT 120 OF 4 DECEMBER 1970
REPEATED FOR INFORMATION TO PRIORITY BAGHDAD

FROM CIVIL AIR ATTACHE.

I SEE LITTLE POINT IN VISITING BAGHDAD IF I AM BARRED FROM MEETING IRAQIS. MY OWN JUDGEMENT ON THE SITUATION IS THAT THEY RECOGNISE THEY ARE WINNING HANDS DOWN ON PRESENT ARRANGEMENTS AND WILL NOT WILLINGLY DISTURB THEM FOR THE SAKE OF A SERVICE TO ABU DHABI. OUR SUCCESSFUL REFUSAL OF NEW RIGHTS AT DOHA IN JULY WITHOUT COMEBACK SUPPORTS THIS VIEW.

2. IF HOWEVER A DECISION HAS BEEN TAKEN TO LET IRAQI AIRWAYS CARRY ON AS THEY ARE WITHOUT DOING FURTHER ADVICE THEN I WILL WITHDRAW MY PLANS FOR A VISIT.

FCO PASS IMMEDIATE DTI ALLOT

MR EDDEN

LAST REF.	
NEXT REF.	

NNNN

DEPARTMENT OF TRADE AND INDUSTRY
~~BOARD OF TRADE~~
Civil Aviation 2/2b
Shell Mex House, Strand, LONDON W.C.2
Telex: 22110/22119
Telegrams: Civilair, London, Telex
Telephone: 01-836 [illegible]207, ext. 261

(61)

RECEIVED IN
REGISTRY No. 42
DEC1970
NMA 3/591

Your reference:
Our reference: EB 86/05
EB 91/01

3 December 1970

J T T Boulton Esq
A & T Department
Foreign & Commonwealth Office
Great George Street
London SW1

Ref file
? Iraq ASA.
7/12

Dear John

IRAQ/GULF AVIATION

Please see the enclosed letter and attachments from BOAC concerning Gulf Aviation's over-flights of Iraq.

I am consulting Russell Sunderland on the tactical aspects of this problem, but I would also be grateful if you could ask the FCO legal adviser whether a designation of Gulf Aviation under Article 5 of the ASA could be said to derogate from the over flying rights already available to British scheduled operators under IASTA.

Yours ever
Stephen

S G Linstead

LAST REF.	
NEXT REF.	

ENC

61 E(i)

DEPARTMENT OF TRADE AND INDUSTRY

xxxxxxxxxxxxxxxxxxxxxxxxxxx

Civil Aviation 2/2b

CONFIDENTIAL

BY FCO BAG

261

ES 86/05
ES 91/04

3 December 1970

G R Sunderland Esq
British Embassy
Beirut

IRAQ/GULF AVIATION

I am sorry that we had to pour cold water on the idea of a visit to the Iraqi Aeronautical Authorities, but Iraq is one country where we do not wish to provoke into negotiations at the present moment.

You will, however, be interested to see the enclosed letter and attachment from BOAC which make it clear that the Iraqi authorities are creating difficulties over Gulf Aviation's over-flights. We are consulting the FCO legal adviser on whether a designation of Gulf Aviation under the Air Services Agreement, as requested by the Iraqi authorities, would be held to weaken such rights as we enjoy under IASTA. Perhaps, however, you would care to offer some comment on tactical considerations. I am uncertain whether this presages general difficulties with the Iraqis, or whether it merely represents a piece of devious bureaucracy.

I do not think that this matter needs to be raised just yet with the Iraqi Aeronautical Authorities, but if the matter escalates, no doubt we shall be asking you to go to Baghdad after all.

I am copying this letter to Chancery, Baghdad, the Residency Bahrain and John Moulton in A & T Department, FCO.

S G Linstead

ENC

8

61 E(ii)

BRITISH OVERSEAS AIRWAYS CORPORATION

S G Linstead Esq
Department of Trade and Industry
Civil Aviation Dept
Shell Mex House
Strand
London W C 2

30 November 1970 PLR 1874

Dear Stephen

GULF AVIATION OVER-FLIGHTS - IRAQ

BOAC's District Manager in Iraq has received a letter from the Iraqi Ministry of Communications regarding Gulf Aviation over-flights of Iraq territory. The services concerned are those operated by BOAC on behalf of Gulf Aviation. A translation of this letter is attached.

It would appear from this letter that the Iraqis require Gulf Aviation to be designated by the British Government under the UK/Iraq Air Services Agreement in order to qualify for over-flying rights.

I would have thought that Gulf Aviation's over-flying rights are protected under IASTA to which Iraq is a signatory. However, as article 5 of the ASA refers tothe "agreed services" you may consider it necessary for Gulf Aviation to be so designated.

Regarding the second point raised by the Iraqis, this matter has already been actioned by our local manager.

I would be pleased to receive your advice regarding the over-flying problem.

Yours

R J C Ebdon
Asst to General Manager
International Affairs

hml

BOARD OF TRADE, CIVIL AVIATION
A.M.
-2 DEC 1970
P.M.
REGISTRY

PO Box 10 • Hounslow • Middlesex 01-759 5511

8

(61) E(iii)

TRANSLATION

MINISTRY OF COMMUNICATIONS
DIRECTORATE GENERAL OF CIVIL AVIATION
BAGHDAD.

Ref. No. 59/8720/Air Transport

Date: 14/11/70

To: BOAC

REGULAR OVERFLIGHTS OF IRAQI AIRSPACE BY GULF AVIATION COMPANY

With reference to your application No. BGW/070.2(425) dated 4/11/1970, concerning the approval of the regular weekly flights of Gulf Aviation Company through Iraqi Airspace, we demand the following:

1. To furnish this Directorate with an official letter from the British Authorities concerned confirming that Gulf Aviation Company is one of British Aviation Establishment to operate aviation interests according to Para 1 of the Aviation Agreement concluded between Iraq and the United Kingdom for the purpose of benefiting from the overflying right through Iraqi airspace which is mentioned in Para 1 - a of Article 5 of the Agreement referred to above.

2. You are requested not to include these flights with your other BOAC flights when applying for permission to overfly in the future and we draw your attention to thenecessity of applying separately for the flights of each company in order to avoid complications and to facilitate speedy processing of these approvals.

(Signed) DR MOHAMMED SALIH AL BAYATI
Director General of Civil Aviation

Reference MUA 4/359/1
Wilk 61

RESTRICTED

? i.e. we have the choice but one does not derogate from the other?

Mr. Boulton
(Aviation & Transport Dept.)

IASTA gives a ~~non~~unrestricted right of overflying for "scheduled services" and both the U.K. and Iraq are parties to it. It also gives the right to land for non-traffic purposes.

The Bilateral Air Services Agreement is a quite separate document concerning primarily "scheduled" flights which land for traffic purposes in British or Iraqi territory and for which specific routes have been negotiated and are included in the schedule. It cannot be said that it concerns only such flights, since as a result of the footnote to the Schedule, it can happen that flights falling within the Bilateral Agreement only overfly and do not land in one of the two territories concerned.

As there are, no doubt, many countries in relation to which both IASTA and a Bilateral Agreement apply, I should have thought it was in our interest to maintain the principle that the question of overflying rights for scheduled services under IASTA is a quite separate question from the designation of specific routes and airline companies to give effect to the agreed services specifically provided for under a Bilateral Agreement.

I assume that Gulf Aviation is a British company registered in British territory and whose aircraft are also registered in British territory. If it derives its existence from incorporation in one of the Gulf States I should want to look at the matter again.* But the rest of this minute assumes that Gulf Aviation is incorporated in the United Kingdom or some other British territory.

*though probably incorporation there would make it British for air services purposes as the Iraqi agreement treats Sharjah as British.

The right of overflying in Article 5 of the Anglo/Iraqi Agreement is limited to designated airlines "while operating the agreed services". Article 3(1) defines "the agreed services" as services on the routes specified in the schedule. Thus we could designate BOAC or Gulf Aviation if it is following a scheduled ~~the~~ route ~~London-Rome-Karachi~~, but we could not designate it if it was not ~~following the route London-Rome-Delhi~~. The omission of any landing in Iraq is of course justified by the footnote.

If a British airline is overflying Iraq on one of the scheduled routes we could rely either on IASTA or, after designation, on the Bilateral Agreement. But if it is not following that route we can only rely on IASTA.

Pa ch 4/1

/I am not clear

RESTRICTED

Reference MUA 4/359/1
with (61)

RESTRICTED

I am not clear what routes Gulf Aviation was following in the earlier flights to which the Iraqi authorities refer, nor is it clear whether they will wish "nonscheduled services" to fly on those routes in future. I cannot therefore say whether it would be sufficient to designate Gulf Aviation quite ~~precedent.~~ apart from the question of precedent.

If we decide to designate Gulf Aviation, it would be desirable at some stage in doing so to make reference to the existence in parallel of IASTA. But, in view of our difficult relations with the Iraqis on this subject it would be perhaps better to consider this aspect after more fundamental questions have been decided.

H G Darwin

(H. G. Darwin)
Legal Counsellor
11 December, 1970.

RESTRICTED

Reference MUA 4/359(1)

(W 61)

Mr Darwin L.A.D.

We should be grateful for advice on the last four lines of the letter at (61) in the light of its enclosures.

While Article 1 Sec.(1) of I.A.S.T.A. seems to provide the unqualified rights to overfly it seems, I suppose, to be open to the overflown country to require to be satisfied that the aircraft so doing are indeed of a contracting state and engaged in scheduled international air services. But it seems questionable that the Iraqi authorities should attempt to attach the right only to airlines designated under the UK/Iraq Air services Agreement.

BOULTON
AFTD. 8/12.

Mr Boulton (Av. & Tr Dept)

Could copies of IASTA & ASA, whatever they may be, be attached please.

HGDarwin
9.xii

Mr Darwin

I attach a copy of Cmd. 8393 of 1951, the Air Service Agreement and, within the front cover, my only copy of Cmd. 8742 of 1953, pages 101-103 of which record the I.A.S.T.A.

9/12.

CONFIDENTIAL

62

(21/5)

British Embassy,

Beirut.

10th December 1970

RECEIVED IN
REGISTRY No. 42
DEC 1970
MWA4/359/1

Thank you for your letter 21/2 of 5th December. I hope a few paragraphs will be sufficient to give you an idea of the issues involved in the future of the air services agreement.

1951

2. The agreement itself is nearly twenty years old and bears very little relation to the realities of air traffic today or indeed to the services currently being operated in its name. Over years, various amendments have been proposed to the route schedule on both sides. Some of these amendments have been declared acceptable to the two parties but we have, for various reasons, never got round to re-writing the Annex to the agreement. Some amendments have been proposed and accepted on conditions which have not been acknowledged by the other party. At the same time, the airlines on both sides have been allowed to introduce various services on a temporary basis, pending a revision of the whole route schedule. Some of these permissions have been notified through the diplomatic channel, others have taken the form merely of an approval by one aeronautical authority of something that the other's airline has said it would like to do. There have been good reasons in the past on our side for perpetuating this mess, notibly the fear that a complete revision would leave the British side with less than it was getting away with at the time.

3. In the course of the last two or three years B.O.A.C. has reduced its service through Baghdad to a purely nominal level and Iraqi Airways has greatly improved its performance in the London market. It not only has a stranglehold on a very large part of the Baghdad/London traffic (through its enjoyment of government directives to offer rebates which fly in the face of the provisions of the Agreement) but it is now doing very nicely out of the carriage of passengers between London and points to the east of Baghdad, notably Karachi and Delhi (this time through unpublicised rebating). With the bilateral so heavily out of balance and its terms so blatantly infringed, there is clearly a prima facie case for scrapping all that has gone before and doing a new deal which would, hopefully, give B.O.A.C. a little more of the genuine traffic and limit the opportunities for Iraqi Airways to indulge themselves in markets which, in a well-ordered world, would be virtually closed to them.

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Py JB 17/12

/4. There ...

D. F. Hawley, Esq.
British Embassy,
Baghdad.

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4. There are various ways for achieving these objects. We have just concluded negotiations with the U.A.R. where a parallel situation existed though on a rather larger scale. Our settlement there should bring B.O.A.C. about a quarter of a million pounds a year more than they have been getting and will curb the Egyptians' revenue by anything up to twice that amount. The negotiations were admittedly protracted and while they were going on we deliberately desisted from opening up any new negotiations in the Arab world on the time-honoured principle that you don't risk having your water cut off at more than one point at a time. However, all ended amicably in Cairo and we should now be able to look elsewhere. Incidentally, the ability to demonstrate that we have been firm with the Egyptians should help to make any neighbouring country with whom we negotiate adopt a reasonable attitude.

5. One of the byproducts of any renegotiation would, I hope, be a reaffirmation of B.O.A.C's right to unimpeded overflight of Iraqi territory on schedule flights, in accordance with the International Air Services Transit Agreement, to which Iraq has subscribed. Her intentions of honouring this agreement were put in some doubt by the issue, so I hear, of a NOTAM earlier this year, requiring all overflying airlines to make at least one landing a week. This is something which we have yet to take up with the Iraqis and the longer we leave it the more it will appear that we accept that they have the right to enforce landings in this way. (They got the general idea from Syria, of course, but Syria is not a signatory of I.A.S.T.A.).

? Such provision in IASTA
No.

6. There is a final, more delicate argument for opening up negotiations. This is on the lines that whilst we have the responsibility for handling traffic rights at Bahrain, Doha, Abu Dhabi and Dubai we might as well use our position to secure whatever we can for British airlines. If we leave re-negotiating with Iraq for another 12 months we shall probably only have rights to London to offer. Equally, any rights which B.O.A.C. might require between Baghdad and Gulf points will have to be balanced by similar "fifth freedom" sectors (i.e. London-Europe) for Iraqi Airways instead of, as at present, routes for them straight into the Gulf. Of course, none of this is as simple as it sounds. What with political elements intruding and the possible need to negotiate rights into Iraq for Gulf Aviation, and the probability that after our withdrawal from the Gulf the Iraqis would seek a further revision of the Agreement, there might not at the end of the day appear to be very much substance in this particular argument.

7. So much for the pros. The Department of Trade & Industry appear to base their decision to preserve status quo for the time being on three related considerations:-

/(i) ...

(i) that there are other countries in the area with whom we should seek to renogiate first - I am a little surprised at this and am pursuing it with them, but you would not expect me to go into details;

(ii) It is worth putting up with malpractices and the imbalance provided B.O.A.C's overflying rights are not being interfered with (but see my note above about compulsory landings);

(iii) The Iraqis, given half a chance, would themselves seek consultations in order to secure rights at Abu Dhabi.

I have expressed my doubts on this last point in my telegram No. Allot 120 of 4th December and, as I have already pointed out, there could actually be advantage in giving away Abu Dhabi at this stage.

8. My main objective in visiting Baghdad would have been to try and quantify some of the elements in these arguments. I gather there is a new B.O.A.C. manager in post and it would have been interesting to have his views. I am also interested in the report that the new D.G.C.A. was at one time himself employed by B.O.A.C. Finally, there is the question of Iraqi Airways' fleet planning; our views on the need for re-negotiation would be influenced every bit as much by a knowledge of the capacity and frequency which the airline intended to mount in future as on what they have been doing in the past.

9. That then is the situation in less of a nut shell than I had intended. If we do not have the chance to discuss it together, I should very much welcome a note of your own views. I am copying this letter to the Department of Trade & Industry and to Aviation and Telecommunications Department who, althouh aware of all these considerations, might find it useful to have them set out in this form.

10. As to the flying clinic, I am sorry I can offer no further guidance. The Shorts sales manager for the Skyvan was through here recently and mentioned a promising approach he had had from someone who had offered to be the agent in this deal. He had however left the correspondence behind in Belfast and could not remember whether it was a military or civil requirement. Shorts already have an agent, of course, in Near East Resources, whose Beirut office is, like myself, waiting to hear more from Shorts. I will let you know as soon as I hear anything further. Designs for a Skyvan adapted to serve as a clinic are available, if anyone is interested.

(G. R. Sunderland)

c.c. R. I. T. Cromartie, Esq. F.C.O.

A. P. Gardner, Esq., CA.2, D.T.I.

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(21/5)

BRITISH EMBASSY,
BEIRUT.

(63)

14th December 1970

RECEIVED IN
REGISTRY No. 42
22 DEC 1970
MMA 4/359/1

Iraq/Gulf Aviation

(61)

Thank you for your letter EB 86/05 of 3rd December.

2. On the specific question of designating Gulf Aviation, I should have thought we would only have wanted to fall in with the Iraqis' demand as a last resort. Not only is there the question of the over-riding applicability of the Transit Agreement (IASTA) which I hope we would press very forcefully, but of course the route schedule being in the state that it is, the legality of Gulf Aviation's services could immediately be called in question (e.g. there has never been any grant of rights on paper for British services to Dubai or Abu Dhabi which are on Gulf Aviation's routes, or of any route beginning in the Gulf and transiting Iraq to London - though we might argue that Gulf can operate London-originating routes in reverse).

3. Quite clearly, this initiative is associated in some way with the decree, which is supposed to have been published by NOTAM, requiring certain aircraft to land if overflying on scheduled services. I heard about this from B.O.A.C. in the Gulf and have referred to it in my recent letters to Peter Gardner and Donald Hawley, but I have yet to see the text. Presumably the Iraqis are trying to argue that unless an airline's overflying rights are protected by a bilateral agreement, they must make a certain proportion of landings at Baghdad, in spite of IASTA. If this is so, then the object of the D.C.A's letter to B.O.A.C. might conceivably be the innocent one of trying to make an honest carrier of Gulf Aviation, and protect them from the necessity of having to make a landing. But I fancy that motives are mixed, to say the least, and that the Iraqis may have it in mind to build up credit by having us commit our carrier to operating routes to which it has no formal entitlement.

4. My recommendation therefore is that B.O.A.C. should inform the D.C.A. that on the advice of their authorities Gulf Aviation derive their right to overfly from the terms of IASTA and that designation under the bilateral is not therefore regarded as necessary. It is unfortunate if it has been B.O.A.C's practice in the past to request permission for overflights; a formula incorporating notification or, at most, a request for confirmation would better have suited our case. Perhaps they can take note of this for the future.

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/5. The ...

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5. The logical reaction to a refusal on our part to designate Gulf Aviation would be a demand for landings and this would undoubtedly lead us into some sort of negotiation. You know my views on this; I must leave it to you to weigh them against the considerations that have led you so far to try to avoid consultations, and advise B.O.A.C. accordingly.

(G. R. Sunderland)

c.c. D. F. Hawley, M.B.E. - Baghdad.
J. T. T. Boulton, - A. & T. Department, F.O.O.
T. J. Everard, - Bahrain Residency.

64

C

Aviation & Telecommunications Department.

31 December, 1970.

MUA 4/359/1
Your Ref: EB 86/05
EB 91/01

UK/Iraq Air Services Agreement

Thank you for your letter of 3 December with enclosure about rights to overfly Iraq by Gulf Aviation services operated by BOAC. I note that you are consulting Sunderland on the tactical aspect and look forward to seeing your comments on his letter of 10 December to Hawley in Baghdad which was, I see, copied to Peter Gardner.

On the legal aspect the short answer appears to be that designation under the ASA would not carry the implication that we regarded our rights under IASTA as superseded by the ASA. The rights under IASTA are separate from the rights granted under an ASA. Provided Gulf is designatable as British, and the routes in question are covered by the Air Services Agreement, we could claim the right to overfly either under IASTA or under the ASA. It therefore seems to be a tactical choice between designating (and claiming overflying rights under the ASA) and simply drawing attention to the rights provided by IASTA. I should have thought myself that the latter was preferable as carrying no special implication of reciprocation beyond those already in IASTA. If we were to choose the course of designating it would probably be as well in order to avoid any possible misunderstanding to make some reference to IASTA at the same time. If of course the airline is overflying whilst operating on a route not covered by the ASA, then the right of overflight would rest solely on the provisions of IASTA.

(J.T.F. Boulton) Ref/ Despatch letter fix. & P.A. 31/12

S.G. Kinstead Esq.,
CA2.
Department of Trade & Industry,
Shell Mex House.

CONFIDENTIAL Mr Beattie

AJC 7/1

(65)

BRITISH EMBASSY

BAGHDAD

RECEIVED IN
REGISTRY No. 42
-8 JAN 1971
NMA 4/359/1

(21/2)

31 December 1970

Regy P.A. on UK/Iraq file.

8/1

Air Service Negotiations (62)

Thank you for your letter 21/5 of 10 December and in particular for your useful analysis of the issues involved in the future of the Air Services Agreement.

2. We agree that there is a good case for a visit by you to Iraq in the near future, if only to take the temperature among officials here and to put us more fully in the picture. It could be presented here as a routine visit by an accredited member of this Embassy, partly to acquaint yourself with the new Director General of Civil Aviation.

3. You would, however, have to accept the risk that the Iraqi authorities might themselves raise the question of renegotiating the Air Services Agreement. The situation would be delicate if they did so; as you know, we informed them in January this year that we were prepared to hold full-scale talks in March. However, the fact that the Iraqis have never replied to this offer might make it possible, if necessary, to side-step any request for negotiations on the basis, say, that the situation has developed since then and we have to reconsider our position.

Enc 4. On a point of detail, I am sending you a copy of the NOTAM summary of 18 May which includes a reference to the requirement that scheduled flights overflying Iraqi territory without landing should make at least one landing a week in Iraq. No doubt the full text is available to you in Beirut, if you should require it.

LAST PAPER

(D. F. Hawley)

G. R. Sunderland, Esq.,
British Embassy,
BEIRUT.

copied to: R.I.T. Cromartie, Esq., F.C.O.
A.P. Gardner, Esq., CA 2, D.T.I.

LAST REF.	(62)
NEXT REF.	

CONFIDENTIAL

MONTH CHECK
NOTAM
BULLETIN

REPUBLIC OF IRAQ
MINISTRY OF COMMUNICATIONS
DIRECTORATE GENERAL OF CIVIL AVIATION
BAGHDAD INTERNATIONAL AIRPORT
BAGHDAD-IRAQ

NOTAM SUMMARY
Ref.: M.B/Nr.03
Date: 18.5.1970

65E

N/OUT NR.	LOCATION	FACILITY/NATURE OF ACTIVITY	ADVICE
1969:			
021/161	Basrah	H F / R T	Basrah HF/RT Freq.13334.5kc will be replaced by 13336kc on V.F.O. on temporary basis.(21.9.69)
1970:			
/008	Baghdad	VHF / Mast	VHF Extended range mast is located 500MTR to the right of RNWY 33 bearing 60 degs. to the right of THR 33 height 150FT AGL (262FT AMSL)and lit by red light(18.1.70)
/022	Baghdad	Flood Light	There is one red light sitted on each of the flood light-posts on the apron of Bagh.International /AD,pilots have to take precaution(8.2.70).
/055	Baghdad	Sch.Flight	WEF 1st april 1970,all scheduled flights that overflying Iraqi terr.without landing are requestedTO MAKE AT LEAST ONE LANDING PER A WEEK AT AN IRAQI AERODROME (30.3.70).
010/073	Basrah	W I P	A pile barage 50MTR AMSL height,position some 100MTR parallel to the centre line of RNWY 16,no red lights.(16.4.70)
/077	Baghdad	NAV WNG	Air exercises will take place WEF 25th April to 25th June 1970,daily from 0400-to 0900,in area bounded by 3607N4240E - 3607N4244E-3610N4240E-3610N4244E,safety height is 11000FT(28.4.70)
/078	Baghdad	F A L	Rescue and fire fighting facilities(fire tender)is U/S UFN,standby is available . (30.4.70).
/079	Baghdad	N D B	NDB C/S (BG) freq.347.5kc is U/S(1.5.70).
/090	Baghdad	ACFT OPS	WIE & UFN ALL AERODROMES & LANDING GROUND AREAS WITHIN IRAQI TERRITORIES,are prohibited to be used by both CIVILIAN and MILITARY FOREIGN aircraft,except BAGHDAD INTERNATIONAL & BASRAH(MA'AQIL)aerodromes (18.5.70).
/081	Baghdad	T M A	All Inbound/Outbound & Through TFC within Baghdad TMA,are established from IB/VOR Freq.116.9mc Post.3312N4416E,instead of BW/VOR Freq.113.7mc(2.5.70).
/091	Baghdad	R A C	WIE & UFN the portion of Advisory route DB51 between IB/VOR & BE/NDB is closed for all TFC(ORBW NTM CL2 Nr.9/69 referes) (18.5.70).

Air Service Agreements: UK/Iraq And Iraqi Rights At Schönefeld. Iraq/UK. 13 Jan. 1970. MS Middle East Online: Iraq, 1914-1974: Selected files from series AIR, CAB, CO, FCO, FO, PREM, T, WO, The National Archives, Kew, UK FCO 14/715. The National Archives (Kew, United Kingdom). Archives Unbound, link.gale.com/apps/doc/SC5107472598/GDSC?u=webdemo&sid=bookmark-GDSC&xid=5421f094&pg=1. Accessed 11 Apr. 2022.